

**OVERTIME PAY/COMPENSATORY TIME OFF**

The district shall provide compensatory time off or cash payment for overtime work in accordance with law and any applicable negotiated employee agreement. Overtime is not paid to salaried employees who serve in exempt positions.

Overtime shall be considered any time worked over an 8-hour day or a 40-hour week and shall be compensated at time-and-one-half. If for all or certain classes of classified positions the established workday is less than eight hours but seven hours or more and the established work week is less than 40 hours but 35 hours or more, all time worked in excess of the established workday and work week shall be considered overtime. (Education Code 45128)

The district shall carefully keep records related to the accrual of overtime. Employees subject to overtime payment shall complete a daily record of time worked. Falsification of time records will result in disciplinary action against the employee and may subject him/her to civil and criminal penalties.

Employees have the option of receiving overtime compensation in the form of monetary wages or compensatory time off (CTO). CTO may be accrued up to a maximum of 240 hours (160 hours of overtime work). An employee who wishes to receive CTO must elect to do so pursuant to a written agreement entered into between the district and the employee before the work is performed. (Education Code 45128-45129; Labor Code 204.3)

Employees may use CTO within a reasonable period of the employee's request to do so, provided that this does not unduly disrupt district operations. The district shall make cash payments for CTO which has not been taken within 12 months of its accrual.

No overtime shall be allowed except as authorized by an employee's immediate supervisor.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4313.1 - Load/Scheduling/Hours of Employment)*

*Legal Reference: (see next page)*

**OVERTIME PAY/COMPENSATORY TIME OFF (continued)**

*Legal Reference:*

EDUCATION CODE

45127 *Workweek*

45128 *Overtime*

45129 *Compensatory time off*

45130 *Exclusion from overtime provisions*

45131 *Workweek; five consecutive days; overtime*

45132 *Four-consecutive-day workweek*

LABOR CODE

204.3 *Compensating time off in lieu of overtime compensation*

PENAL CODE

424 *Embezzlement and falsification of accounts by public officers*

UNITED STATES CODE, TITLE 29

201-216 *Fair Labor Standards Act*

CODE OF FEDERAL REGULATIONS, TITLE 29

511-800 *Department of Labor Relations especially:*

785.12 *Overtime suffered or permitted*

COURT DECISIONS

*People v. Theresa Groat (1993) 19 Cal.App.4th 1228*