

## VENTURA COUNTY OFFICE OF EDUCATION

ADMINISTRATIVE  
REGULATION NO. 4253

ADOPTED: 2/14/96

CLASSIFICATION: Personnel

REVISED:

SUBJECT: Overtime

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These regulations are in conjunction with the Superintendent Policies of the Ventura County Office of Education. They are intended to be in compliance with the Fair Labor Standards Act (the Act) and are subject to revision as may be allowed or required by provisions of the Act.

### HOURS WORKED

Hours worked shall include all time spent in physical or mental exertion controlled or required by the Ventura County Superintendent of Schools and primarily for the benefit of the Ventura County Office of Education. It includes any work which the employee performs on or away from the premises, if the employer (supervisor) knows **or has reason to believe** that the work is being performed.

**Time Card.** Each employee shall record, on the time card, the actual daily hours worked. One copy of the Authorization for Overtime form shall be attached to the time card when submitted to the Payroll Department. **It shall be the mutual responsibility of the employee, the supervisor, and the department head to assure the Authorization for Overtime form is properly completed prior to the overtime being worked.** The employee's signature on the time card will serve as certification that "ALL" time worked is reported on the time card. Overtime may not be accumulated "off the record" for future comp time or overtime claims.

**"On-Call" Time.** An employee who is not required to remain on the Ventura County Office of Education premises and is free to engage in his or her own pursuits, subject only to the understanding that the employee leave word at his or her home or with a designated individual where he or she can be reached is not working while "on-call." When the employee is called out on a job assignment, only the time actually spent completing the assignment shall be counted as hours worked. However, if calls are so frequent or the readiness conditions are so restrictive that the employee is not free to use the intervening periods effectively for his or her own benefit, the employee may be considered "engaged to wait." In this event, the time "engaged to wait" is considered work time.

**Split Shifts.** Employees of the Ventura County Office of Education who are assigned to split shifts shall be given a definite specified time to return to work. The time off in the middle of the workday shall be long enough to effectively use as he/she wishes. Employees on split shifts shall keep a daily log indicating the time he/she begins work and the time he/she ends work. If the time off during the middle of the workday is less than two (2) hours it shall be assumed the employee worked the entire time.

**Employee Sent Home for Lack of Work.** If an employee is told, upon reporting for work, that there is no work available and **immediately** sent home, the employee will not be considered to have spent any time working. If, however, the employee is permitted to wait for work after the shift was scheduled to begin, the time spent waiting between the scheduled commencement of the shift and the time the employee starts work or is sent home is counted as hours worked.

**Meal Periods.** All employees shall be completely relieved from duty for the purpose of eating a regular meal. The duty free meal period shall be a minimum of thirty (30) minutes. Such duty free meal period shall not be counted as time worked. If the duty free meal period is rarely and infrequently interrupted for emergency calls, the period of time actually interrupted is counted as hours worked. If the meal period is frequently interrupted by calls to duty, all the meal periods shall be counted as hours worked. **The supervisor is responsible for assuring the duty free meal period is not frequently interrupted.**

**Rest Periods.** Rest periods or “coffee breaks” are counted as hours worked. The rest period shall not be offset against other hours of work.

## **OVERTIME APPROVAL**

All employees shall be advised that all overtime shall be authorized in writing by the department head (or designee) **prior** to being worked. If the supervisor is aware **or should have been aware** the overtime was worked, the employer is responsible for compensation of the overtime. Employees working overtime without proper authorization are subject to disciplinary action. Supervisors who knowingly allow employees to work unauthorized overtime are subject to disciplinary action. The Overtime Authorization Form shall be completed in triplicate. Upon approval, the department head (or designee) shall return one copy to the employee, retain one copy for departmental records and the original shall be attached to the time card when submitted to the payroll department. **Overtime compensation may not be waived. An announcement by the employer (or supervisor) that overtime will not be compensated unless authorized in advance will not impair the employee's right to compensation for the overtime work.**

## **OVERTIME COMPENSATION**

**Compensatory (comp) time off.** The work schedule shall be adjusted to the degree possible to minimize the overtime pay requirement. Compensatory time off, at the rate of one and one-half (1½) times the hours worked will be credited to be taken within one year of the date the overtime was earned, up to 40 hours of comp time accrual. Comp time use shall be on a “first in - first out” basis.

**Overtime pay.** When comp time accrued equals 40 hours, monetary compensation shall be paid at the rate of one and one-half (1½) times the regular pay rate for all overtime worked and not compensated by compensatory time off within one year of the date the overtime was earned. When an employee works at two or more different straight-time rates in a single work week, the regular pay rate shall be the weighted average of such pay rates.

**Exception to comp time provision.** When requested by the employee and approved by the department head, the comp time provision may be waived. This option shall be available only at the time the overtime is authorized and shall not be available to pay off accrued comp time. The overtime authorization form shall include the notation "PAY FOR OVERTIME."

## **EXEMPTIONS**

Executive, administrative and professional employees are exempt from overtime pay and compensatory time off requirements. All certificated positions are exempt as professionals. Each classified position will be reviewed individually for determination of exempt status, in accordance with the "test for exempt status".

## **CANCELLATION OF SCHEDULED OVERTIME SHIFT**

Occasions may arise when an overtime shift is scheduled in advance, in anticipation of an exceptional or unusually heavy workload. In the event the scheduled overtime is not required, the employee scheduled to work the canceled overtime shift shall be entitled to four hours pay at straight time unless the notice of cancellation is received at least 10 hours prior to the time the overtime shift was scheduled to begin.

To qualify for the "cancelled shift pay" the employee shall leave word where he/she may be contacted to receive the notification of cancellation.

The cancelled shift pay is not considered "pay for hours worked" and therefore is not subject to time and one-half pay, nor is it included for computation of the "regular" pay rate.

This section applies only to scheduled overtime shifts. It is not intended to guarantee a four hour minimum in all overtime situations. The purpose is to provide compensation for cancellation of a scheduled shift, when the notice of cancellation is given on such short notice the individual is unable to make alternative plans.