

ARTICLE 13 HOURS AND OVERTIME

13.1 Working Time

The workweek shall consist of five (5) consecutive days of the same eight (8) hours per day and forty (40) hours per week. This article shall not restrict the extension of the regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

The usual District working day is from 8:00 a.m. to 5:00 p.m., but the opening and closing hours within a department may vary according to the needs of the department. If the needs of the program justify it, workers may initiate a request to work an alternate work schedule such as a 4/10 schedule (four 10-hour days per week) or 9/80 schedule (80 hours in a two week period worked over nine days instead of ten), , provided such a work schedule will meet the needs of the program or department to which the worker is assigned. The work schedule shall be mutually agreed upon by the employee and the supervisor.

Employees' workweeks and/or work shifts shall not be permanently changed by the department supervisor and/or appropriate administrator without adequate prior notice. The supervisor and/or appropriate administrator shall endeavor to give thirty (30) calendar days but in no case less than fifteen (15) calendar days' notice.

The department supervisor and/or appropriate administrator shall endeavor to provide employees with at least five (5) working days advance notice of a temporary change in their workweek hours and workday. This advance notice is not required if:

1. The change is due to an unforeseen operational need; or
2. The change is made at the request of the employee.

If a supervisor and/or appropriate administrator assigns a schedule to an employee without their consent, then that employee will be entitled to holiday pay for the hours normally worked (i.e. 4/10 would get 10 hours holiday pay).

If a worker is assigned to a schedule other than the normal workday and week described above, and if a holiday is scheduled for a day on which the worker is not scheduled to work, the worker will be entitled to observe the holiday on another workday designated by the District unless the day is mutually agreed upon by the employee and the supervisor.

Each worker and classified hourly employee shall have a paid rest period of 15 minutes within each four-hour period of work and an unpaid lunch period of at least 30 minutes for work shifts that are five (5) hours or more. Only during the swing and graveyard shifts shall the lunch period be part of the working day. Workers who use video-display terminals (VDTs) continuously shall be permitted to rotate work tasks or functions to provide a break from the VDT every two (2) hours.

Each worker must file each month a signed time report, showing total hours worked, overtime hours worked each day, compensatory time and the hours and reason for any absence. Failure to complete the time report correctly or to file it on time may result in pay for the month being held until the subsequent payroll.

Classified hourly employees will be provided work schedules at least two weeks in advance whenever possible with a notification that based on enrollment, the schedule may change which could include a reduction or increase in hours. The District will make every effort to provide consistency in scheduling.

As part of the terms and conditions of employment, classified hourly employees agree to work varied schedules of both the number of hours per day and the number of days per week. In student enrollment driven positions, there may be one or two quarters with no work at all. Classified hourly employees will remain in active status until hours become available or a layoff notice is issued.

Classified hourly employees shall be limited to the maximum number of hours for the position except in cases where they substitute for an absent employee in the same classification. Employees may substitute for another employee on a day-by-day basis up to a maximum of 5 consecutive scheduled workdays.

13.2 **Overtime**

The District is subject to the following provisions concerning overtime which provide for overtime payments to all eligible workers who work over eight hours in one day in a five-day work week, over ten hours in one day in a four-day work week, over nine hours in a 9/80 or 4/36 workweek, or over 40 hours in any work week, or on the sixth and seventh consecutive days of employment.

13.2.1 Approval for a worker to work overtime will come only from department supervisors, division administrators, or supervisors at a higher level. Approval will be based upon legitimate scheduling or load problems which cannot be solved through reassignment or adjustment of workload and will be governed by the availability of budgeted funds.

13.2.2 A worker authorized to work more than 40 hours per week will receive compensation or compensatory time at a rate equivalent to one and one-half times the normal hourly rate as determined by current contract pay, except when a worker works on a holiday, in which case the worker will be paid both regular pay and pay at the overtime rate for the hours worked.

Workers whose work schedule requires them to work beyond 12 hours per day shall be paid at a rate equivalent to double the normal hourly rate as determined by current contract pay for the hours worked beyond 12 hours.

13.2.3 **Compensatory Time Off**

A worker may request compensatory time off in lieu of cash compensation for overtime worked up to a maximum of 96 hours (12 days). Compensatory time shall be granted at the overtime rate. Any overtime worked shall be reimbursed in compensatory time off within 12 calendar months following the month in which it was reported on the time report. If at the end of the 12-calendar month period the worker has not taken the time off, they shall receive overtime pay at the rate that was effective for the worker when the overtime was worked. Compensatory time off may not be carried over beyond these 12 calendar months. The worker has the option of receiving either compensation or compensatory time off for overtime work.

For the purpose of determining the number of hours worked, time during which the worker is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the worker.

13.2.4 **Call Back Time**

Occasionally a worker may be called back for work in the evening or on a weekend to accommodate a special need. In such cases, travel time to and from home will be counted as time worked. In order to make the disturbance of normal time off worthwhile, the pay for combined work and travel time shall be for a minimum of four hours.

13.2.5 **Distribution of Overtime**

Overtime shall be distributed among qualified workers in order that opportunities to earn extra pay will be equitably shared and in order that overtime work will not become the burden of a small percentage of qualified workers. Consideration when possible will be given to the personal obligations of workers which may conflict with overtime hours.

13.2.6 **Computer Terminals in Home, Contact after Normal Working Hours**

Computer terminals in workers' homes shall be entirely voluntary. Use of such terminals shall be for emergency situations. Workers shall not perform normal or routine work on a regular basis on computer terminals in the home with the following exceptions:

At the request of a worker, and if the needs of the department can be met, the worker may be permitted to work out of their home via computer terminal. Employees that request such permission will not be required to use personal computers but must have sufficient internet bandwidth to facilitate remote work. District standard phone and online communication software will be installed on the

employee's District provided computer, which must be returned at the conclusion of the remote work assignment. Supervisors shall not visit or enter the home of any employee working remotely. The request and the subsequent permission, if granted, shall be in writing. Denials of a request to work remotely shall be subject to the grievance procedure.

Carrying a district-provided cell phone after normal working hours shall be entirely voluntary. Workers will not be disciplined for failure to respond to a call, email, or text message after they have clocked out for the day.

Workers shall not be held liable for damage or theft of district-provided cell phones or computers so long as workers exercise reasonable care of the District's equipment.

13.2.6.1 **Stand-By**

No worker shall be required or requested to be available for handling potential emergency situations or available to answer questions by phone, text, or email after they have clocked out for the day, unless the supervisor has contacted the worker to authorize call-back time to accommodate a special need.

13.2.6.2 **Compensation for Work Performed after Workers have Clocked Out for the Day**

Workers who are contacted by phone, or computer after they have clocked out for the day, but prior to 11:00 p.m., to answer questions or handle emergencies from home, shall be paid a minimum of fifteen (15) minutes overtime and shall be paid in quarter hour (15 minute) increments after the first fifteen (15) minutes.

Workers who are contacted by phone or computer after 11:00 p.m. to answer questions or handle emergency situations from home shall be paid a minimum of two hours overtime.

Workers who are contacted by phone or computer for emergencies which begin prior to 11:00 p.m., but continue past 11:00 p.m., will be paid the two-hour minimum.

13.2.6.3 **Consideration of Rest Periods**

A worker who has not had a reasonable period of rest because they responded to emergency situations during hours which they would not normally be working shall be deemed excused from reporting to work at their normal start time. They may use accrued compensatory time or unpaid leave for all or part of the following day.

13.3 **Adjustment of Assigned Time**

A worker in the bargaining unit who is required to work an average of thirty minutes or more per day in excess of their regular part-time assignment for a period of twenty consecutive working days or more shall have their regular assignment adjusted upward to reflect the longer hours, effective with the next pay period.

13.4 **Reporting of Absence**

13.4.1 **Responsibility of the Worker**

A classified worker is expected to report on time for the work assignment each day. If for any reason it is impossible to report to work, the worker shall inform the supervisor of this fact as soon as possible prior to the start of the worker's scheduled work time but not later than one hour after normal reporting time unless an emergency situation requires more time. The consent of the supervisor must be obtained in advance of any absence unless the necessity for the absence cannot reasonably be anticipated in advance. A worker who is absent because of illness must keep the supervisor informed as to when they expect to return to work. A worker whose illness lasts more than one week must report at least weekly.

Failure to comply with either of these provisions may be cause for dismissal. If a worker is absent for three working days without leave or notifying their supervisor, the absence will be an automatic resignation as prescribed in Section 7.8.2.

13.5 **Summer Work Schedule**

13.5.1 Workers assigned to programs and departments where scheduling allows a mandated four-day work schedule during the summer will work a four-day work schedule for the period beginning the first full week in July and ending the Friday before the Labor Day holiday. Under the summer schedule, the normal workweek shall consist of four consecutive workdays and the normal workday shall consist of ten hours starting and ending at times appropriate to the needs of the department and agreed upon by the worker and their supervisor.

13.5.2 Workers who work fewer than 10 hours per day during the four-day summer workweek shall select one of the following options to cover time not worked:

- a. use of earned vacation (see Section 10.1 regarding the circumstances under which certain amounts of sick leave can be converted to vacation);
- b. use of earned compensatory time;
- c. leave without pay.

- d. a revised work schedule and/or location in order to accommodate the employee if they feel they are unable to work a 10-hour per day four-day work schedule.