

## Mendocino Unified School District

### Personnel - Classified

**Administrative Regulation 4253**  
Reviewed by Board 4/21/94, Revised 1/17/02

#### **Overtime Pay/Compensation 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 over time. (EC 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. (EC 45128-445129, 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 CTP which has not been taken within 12 months of its accrual.

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

Any compensatory time not used by the employee within the 12 month period must be paid to that employee, pursuant to a written request specifying the time earned, and signed by the employee's supervisor.

Employees shall report compensatory time accrued each month to his/her immediate supervisor on the form provided.

These forms shall be turned in monthly to the District Office.

#### 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 Compensatory 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; 785. 12 Overtime suffered or permitted

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