

**LICENSED AND CLASSIFIED STAFF SCHEDULES,
TIME TRACKING, AND OVERTIME/COMPENSATORY TIME COMPENSATION**

The Albemarle County School Board ("Board") shall establish policies to compensate employees fairly and in accordance with local, state, and federal laws for all time worked. The Board approves the annual staffing plan through the budget process each fiscal year. Staffing allocations are made for each school/department that determine the number and type of positions for employee payroll. The following are guidelines and expectations for employees and supervisors. These provisions shall be effective March 1, 2019.

I. Staff Schedules

A. Teachers/A. Teaching/Instructional Staff

The hours of employment shall depend on the length of time required to accomplish the objectives of Albemarle County Public Schools ("Division"). Licensed personnel shall be available for a reasonable time both before and after school to assist students and parents as the need may arise. Also, as part of the essential job duties to meet these Board objectives, staff are expected to attend meetings, training, professional learning, and other job-related events that occur outside of the regular student day without the expectation of additional compensation.

Principals/department heads shall set the beginning and ending times for their teachers instructional staff with the approval of the Superintendent/Designee. Staff are expected to work their contracted amounts per workday with full-time teachers working a minimum of seven and one-quarter (7.25) hours per workday.

B. Classified Personnel/Staff

The supervisor of every classified employee shall determine the employee's work day and hours of employment schedule in accordance with the base weekly hours for that position and the needs of the school/department. Principals/department heads/designees may require that employees work overtime additional time or alternative schedules to meet the needs of the school/department. Whenever possible, notice of this requirement will be provided 2-3 days in advance supervisors shall give advance notice as soon as the work schedule change is determined so that employees can be able to arrange their personal schedules.

C. Administrators

Licensed and non-licensed supervisors are expected to ensure there is adequate supervision of their schools/departments at all times. Work schedules may vary based upon Division needs. These staff are expected to work their allocated hours per week at a minimum.

C-II. Alternative and Flexible Work Schedules

A. Guidelines: Principals/department heads/designees may establish permit alternative or flexible staff work schedules for staff, provided that the following are incorporated conditions are met:

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1. the school/department is open to the public on all days other than posted holidays and emergency closings; ~~and~~
2. employees work the ~~required number of scheduled hours per week~~ required number of scheduled hours per week ~~requisite number of hours for their positions;~~ and
3. all applicable personnel policies are followed.

B. Rotating Schedules: ~~Due to some schools having rotating class schedules, some schools may have staff whose work schedules vary with those classes. In the event that a non-exempt employee (usually part-time) has a work schedule where the total weekly hours change from one workweek to the next, the employee's base weekly hours will be classified based on the workweek with the fewer number of hours. The employee would then receive additional pay when a greater number of hours are worked in the workweek due to the Division's pay by exception system.~~

C. Flex Time: ~~Non-exempt employees are paid based upon hours worked or leave taken during the workweek. In lieu of taking leave, a supervisor may allow an employee to work an alternative schedule in a given workweek as long as all base weekly hours are accounted for within the workweek. Exempt employees may work alternative schedules with supervisor approval.~~

III. D. Overtime and Compensatory Time Leave Compensation

A. Covered, non-exempt classified staff ~~Non-exempt employees~~ are entitled to overtime pay or compensatory time leave ~~pursuant to~~ in accordance with the Fair Labor Standards Act ("FLSA") for hours worked in excess of their maximum allowable hours at one and one-half (1.5) times their regular hourly rates of pay. The following regulation establishes the general guidelines and procedures the Division will follow regarding overtime and compensatory time leave requirements of the FLSA and applicable state law. If any conflict arises between this policy and the FLSA or state law, the requirements of the FLSA and/or state law will govern.

Adopted: July 1, 1993
 Amended: December 8, 1997; January 14, 2010; June 12, 2014; April 23, 2015; June 9, 2016
 Reviewed: July 8, 2004; September 27, 2012

Legal Ref.: 29 U.S.C. §201 et seq.
 29 C.F.R. § 516.1 et seq.
 Code of Virginia, 1950, as amended, §§ 22.1-291.1, 40.1-28.8 et seq.

Cross Ref.: GBCA, Employee Discipline
GCA, Personnel - Definitions
GCBA, Salary Administration and Position Classification
GCC, Leave Program
GCLA, Professional Learning Time and Leave
GCQC, Coverage of Schools Due to Inclement Weather and/or Emergency
GCQD, Emergency Staffing Situation

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PROCEDURE FOR LICENSED AND CLASSIFIED STAFF SCHEDULES, TIME TRACKING, AND OVERTIME/COMPENSATORY TIME COMPENSATION

I. Overview and I. Key Terms Regarding Overtime Pay and Compensatory Time

A. Base Weekly Hours. Each regular employee has a designated number of official hours per workweek that have been set for the position. While an employee’s actual daily work schedule may vary, the employee’s base weekly hours remain the same. For example, an employee with 40 base weekly hours may work five (5) eight (8)-hour shifts or may work four (4) 10-hour shifts.

B. Exempt Employees. Employees in certain positions are exempt from overtime pay requirements and compensatory time leave eligibility if the positions satisfy the criteria for the exemptions defined under the FLSA. Positions will be classified by the Department of Human Resources (“Human Resources”) and approved by the Superintendent/designee.

C. Fair Labor Standards Act (“FLSA”). The FLSA requires all covered employers, including the Division, to comply with its minimum wage and overtime compensation requirements.

D. Full-Day Increments. Full-day increments refer to the entire scheduled day and not a “day of leave” as defined in Policy GCC, Leave Program.

E. Half-Day Increments. Half-day increments refer to one-half (1/2) of an employee’s scheduled day and not a “day of leave.”

~~**A. Fair Labor Standards Act.** The FLSA requires all covered employers, including the County, to comply with its minimum wage and overtime compensation requirements. Public employers must compensate eligible employees for hours worked in excess of maximum allowable hours by making monetary payment or granting compensatory time~~

~~C. at one and one half times their regular hourly rates.~~

~~D.~~

~~**B. Exempt Employees.** Employees are exempt from the FLSA’s overtime and compensatory time requirements if they satisfy the criteria for bona fide professional, administrative, or executive positions. A list of these positions must be approved by the Superintendent and maintained by the Department of Human Resources.~~

F. Hours Worked.

1. General. Non-exempt employees who work more than the maximum allowable hours in a workweek must receive either overtime pay or compensatory time leave for their excess hours worked. Paid or unpaid time off during which the employee is absent from service for the Division shall not be counted as “hours” or “time” worked in determining whether the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, holiday, sick, annual, and compensatory time leaves, leaves of absence, meal breaks, and building closures.

2. Breaks. FLSA does not require rest breaks or meal periods. However, supervisors should allow all employees time to attend to health and hygiene needs. Supervisors may designate specific times for break and meal periods.

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Principals/department heads may establish location-wide standards to ensure efficient operations and service. Non-exempt employee breaks longer than 20 minutes are not compensable as time worked as long as no work is performed and the employee is free to leave his/her post.

3. Travel Time. When non-exempt employees are required to work outside of Division facilities, the hours involved in the actual travel, as well as the hours working, shall be considered time worked. Employees shall report this time to their supervisors, using procedures established for that purpose. Ordinary travel/commute between an employee's home and work shall not be considered hours worked.

G. Leaving Premises During the Workday. Employees shall not leave school premises during the established hours of employment without the permission of the principal/designee. Schools/departments may establish their own sign-out/notification procedures for employees leaving the premises during the workday.

H. Maximum Allowable Hours. A non-exempt employee must be compensated for overtime once the employee has exceeded the maximum allowable hours, which is 40 hours within the workweek.

G-I. Non-exempt Employees. Employees who are subject to the FLSA's overtime and compensatory time leave requirements are considered non-exempt.

J. Overtime. This is time that non-exempt employees physically work in excess of the maximum allowable hours per workweek. The Division must compensate an eligible employee for time worked in excess of the maximum allowable hours by making monetary payment at one and one-half (1.5) times the employee's regular rate of pay for each hour or portion thereof worked or by granting compensatory time leave at the rate of one and one-half (1.5) times for each hour or portion thereof worked.

K. Pay by Exception. The Division operates on a "pay by exception" system. Each regular employee has a designated number of hours per fiscal year the employee has been allocated as part of the Division's annual staffing plan. These annual hours are divided equally into the number of established pay cycles. The payroll system will pay this amount automatically unless the employee and supervisor submit adjustments to the base weekly hours such as overtime or leave without pay.

L. Premium Pay. This refers to additional compensation, exclusive of overtime, non-exempt employees may receive as an incentive for specific types of work, i.e. shift differentials.

M. Regular Schedule. All regular employees have a designated schedule each workweek based upon the base weekly hours. Changes to a non-exempt employee's regular schedule that impact the base weekly hours may cause changes to the employee's pay, such as overtime or leave without pay.

N. Straight Time. This is a non-exempt employee's non-overtime work compensated at the employee's hourly rate.

O. Work Schedules. The principal/department head/designee is responsible for establishing employee work schedules, including allowances for breaks and meal periods.

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~~H.P. **Workweek.** The Superintendent has established the official workweek as seven (7) days, extending from Saturday at 12:01 a.m. to Friday at 12 midnight. Changes to this established workweek may be adopted by principals/department heads to meet the operational needs of their school/department, provided that the revised workweek notice is provided in writing to the employees and a copy is on file in Human Resources.~~

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~~B. **Work Schedules.** The principal/department head is responsible for establishing employee work schedules, including provisions for breaks and meal periods. Full-time teachers shall work a minimum of seven and one-quarter hours per work day. All other employees shall work schedules established by the principal or department head for the employee's specific position. No employee shall leave the school premises during the established hours of employment without the permission of the principal or supervisor or their designee.~~

~~**Maximum Allowable Hours.** Maximum allowable hours for employees are 40 hours within the workweek.~~

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~~F. **Hours Worked.**~~

~~7. **General.** Eligible non-exempt employees who work more than the maximum allowable hours in a workweek must receive either overtime pay or compensatory time for their excess hours worked. Paid or unpaid time off during which the employee is absent from the service of the Division shall not be counted as "hours worked" in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, holiday, sick, annual, and compensatory leaves, leaves of absence, meal breaks, and inclement weather closures.~~

~~12. **Meal Breaks.** Bona fide meal breaks do not count as hours worked. Meal breaks must ordinarily be at least 30 minutes long and provide the employee a rest period free from any work requirements.~~

~~**Travel Time.** When non-exempt employees are required to attend meetings or conferences that occur outside of Division facilities, the hours involved in the actual travel, as well as the hours involved in the training/meeting, shall be considered hours worked. Employees shall report this time to their supervisors, using forms designated for that purpose.~~

~~14.~~

~~II. **Tracking Time and Pay Adjustments**~~

~~A. **Non-exempt Employees**~~

~~1. **Time Recording** – These employees are paid for time worked on an hourly (or portion thereof) basis. All non-exempt employees must complete and submit, in a timely manner, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with Board policy.~~

2. Increments - Rounding rules up or down to the quarter-hour will be established for Division-wide consistency. Schools/departments may set reasonable expectations for adherence to work schedules. An employee may be counseled or disciplined for tardiness; however, pay will follow the rounding rules.

3. Reductions in Pay – In the Division’s pay by exception system, when an employee misses work in the workweek and has insufficient leave to make up the variance from base weekly hours, non-exempt employees will be docked pay for that workweek in 15-minute increments. Employees may also be docked pay for disciplinary purposes in accordance with Board policy.

B. Exempt Employees

1. Time Recording - These employees are expected to follow established procedures and policies for exempt employee time tracking and leave submission. Failure to do so may result in disciplinary action in accordance with Board policy.

2. Increments - Exempt employees are compensated on a salary basis. The salary may be calculated on a daily or weekly basis depending on the position. Exempt employees are not paid based upon time actually worked.

3. Reductions in Pay

a. Teachers – These employees have a contract for a specific number of days of work, but may be docked pay in accordance with FLSA, the Family Medical Leave Act (“FMLA”), Workers’ Compensation laws, and other applicable laws. When a benefits-eligible teacher does not have sufficient leave to cover the missed work, pay may be docked in full-day increments. If a benefits-eligible teacher works a partial day and does not have sufficient leave to equal the half-day of work, the teacher may be required to make up the missed work at another time; however, the teacher will not be docked pay for such absence. Benefits-ineligible teachers may have pay docked in full-day increments when a day of work is missed. For employees whose work schedules change from week to week, Pay for teachers with rotating work schedules pay will be docked based on the time missed on the day of the absence.

b. Employees Other Than Teachers – These employees may be docked pay in accordance with FLSA, FMLA, Workers’ Compensation laws, and other applicable laws. Generally, pay may be docked for partial weeks worked during the first and last weeks of employment and situations where a benefits-eligible employee has insufficient leave accrued or chooses to take leave without pay. Pay must be docked in full-day increments, excluding exceptions permitted under law. Benefits-ineligible employees may not be docked pay when work is performed in the workweek unless permitted by law. Supervisors may require any exempt employees to make up missed work in another workweek.

c. Discipline – Any exempt employee may be docked pay in full-day increments for disciplinary purposes in accordance with Board policy.

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III. General Requirements of Overtime Pay and Compensatory Time Leave

A. Eligibility to Earn Overtime/Compensatory Time Leave

1. ~~Non-exempt Employees.~~ Unless excluded by the FLSA, all non-exempt ~~regular~~ employees of the Division who work in excess of 40 hours within ~~one~~ ~~designated~~ workweek are eligible to ~~earn receive~~ overtime pay and/or ~~compensatory time~~ ~~compensatory time leave~~. ~~Temporary employees are not eligible to receive compensatory time leave, but are eligible to receive overtime pay.~~

~~1.~~
~~2.~~ ~~Exempt Employees.~~ Exempt employees are not eligible to earn overtime, whether as monetary payment or compensatory ~~time~~ ~~time leave~~. ~~However, T~~ this does not, ~~however,~~ preclude ~~principals/~~ department heads from using their discretion ~~and to granting~~ time off to exempt employees in recognition of time worked beyond normal work schedules.

B. Calculation of Overtime/Compensatory Time Leave

All ~~eligible,~~ non-exempt employees are to be compensated ~~for overtime, one and one half times the employee's regular hourly rate of pay for hours worked in excess of their maximum allowable hours.~~ This compensation may be monetary or through the accrual of compensatory time ~~leave, at the choice of the employee prior to the performance of the overtime work.~~ ~~Time is calculated based on the entire workweek and not on a daily basis.~~ ~~Overtime is not earned until 40 hours have been physically worked in the workweek.~~ Calculation of overtime/compensatory time ~~leave~~ shall be as follows. ~~;~~

1. ~~All Employees-Overtime.~~ All ~~eligible~~ non-exempt employees who ~~physically work in excess of over~~ 40 hours within the workweek are to be paid ~~one and one half times the employee's regular hourly rate of pay~~ overtime pay.

2. ~~Compensatory Time Leave.~~ A non-exempt regular employee ~~may, or~~ be compensated at the rate of one and one-half (1.5) hours of compensatory time ~~leave for each overtime hour worked for every hour in excess of 40 hours instead of overtime pay referenced in B.1.~~ The employee and supervisor must agree to ~~compensatory time leave as compensation.~~ ~~If a supervisor is offering only compensatory time leave as payment, the employee must agree to accept compensatory time leave or be able to decline the additional work.~~ ~~Otherwise, overtime pay must be provided for required additional work.~~ ~~Temporary employees are not eligible for compensatory time leave in lieu of overtime pay.~~

~~4.~~
~~3.~~ ~~Compensation for Additional Non-Overtime Work.~~ ~~When a non-exempt employee works more than his/her base weekly hours, but less than 40 hours, the employee must be paid his/her hourly rate (straight time) for those excess hours worked.~~ ~~Compensatory time leave may not be earned in this circumstance.~~

~~6.~~ ~~Non-exempt employees who work in excess of their regularly scheduled work hours but do not exceed the maximum allowable number of hours must be paid their regular hourly rate for those excess hours worked.~~

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~~7. Pay outs of Compensatory Time. Any payment for unused compensatory time shall be based upon the employee's current regular hourly rate. Upon termination, non-exempt employees shall be paid for unused compensatory time. Non-exempt employees who are transferring to another department or who are promoted from a non-exempt into an exempt position shall, prior to assuming the new position, reach an agreement with their~~

~~department head to use their accumulated compensatory leave or to be paid for the unused compensatory leave balance. The employee's compensatory leave balance must be zero prior to the starting date for the new position.~~

4. Dual Job Employees.

a. ~~Two (2) or More Hourly Non-exempt Regular Rates Positions: Employees who have two (2) or more non-exempt regular positions contributing to overtime hours are eligible for both overtime pay and compensatory time leave. These employees may receive overtime pay at the blended overtime rate or earn compensatory leave time in accordance with paragraph B.2 above. Employees holding more than one position may have two or more regular hourly rates. Principals/department heads should shall consult with Human Resources for guidance regarding the payment of overtime compensation to such employees.~~

b. ~~Exempt and Non-exempt Regular Positions: The eligibility for overtime is determined by the primary position (the position with the highest part-time percentage). When the primary position is classified as non-exempt, all work performed in both positions contribute to the total hours for the workweek. When the primary position is classified as exempt, the employee is not eligible to earn overtime or compensatory time, leave until more than 40 hours in the workweek have been performed in the non-exempt position. The employee may receive straight time pay for hours worked in the workweek beyond the base weekly hours in the non-exempt position.~~

c. ~~Non-exempt Regular and Temporary Positions: If a non-exempt regular employee also has time worked in a non-exempt temporary position during the workweek, all such time worked counts towards the maximum allowable hours. The supervisor of the regular position may deny the earning of compensatory time leave in lieu of overtime pay, regardless of which position(s) contributed to the overtime hours. If a supervisor denies compensatory time leave, overtime must be paid at the blended overtime rate.~~

d. ~~Non-exempt Regular Employees Working Exempt Temporary Positions: As long as the exempt temporary position is occasional and sporadic, the hours worked in the temporary position do not count towards the maximum allowable hours. Supervisors of temporary positions shall contact Human Resources before scheduling any non-exempt regular employee for exempt work.~~

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school/department. ~~and They are also responsible for managing non-exempt employees' hours worked whenever possible within the designated workweek or work period to avoid overtime. If an employee works more than the designated work hours in one a day, thus creating the potential to exceed the maximum allowable hours within the workweek, the employee's supervisor may require the employee to take leave adjust the employee's work schedule for that workweek in by the amount of the excess time worked within the same workweek to avoid the accrual of overtime.~~

~~1. An employee may be disciplined for working unapproved time. However, the The Division will compensate an employee for any time worked in excess of the employee's base weekly hours. However, an employee may be disciplined for working unapproved time.~~

2. ~~Fund Availability of Funds.~~ Principals/department heads/~~designees~~ shall ensure that adequate funds are available to pay required overtime compensation and ~~compensatory time compensatory time leave~~ pay-outs.

3. ~~Scheduling Compensatory Time Leave. (See Policy GCC, Leave Program)~~

~~3. Principals/department heads shall be responsible for scheduling compensatory leave so that it may be taken within a reasonable period of time after the employee requests it, so long as such use does not unduly disrupt the operations of the school/department. A "reasonable period" under the FLSA is determined by considering the customary work practices within the school/department, such as: a) the normal schedule of work; (b) anticipated peak workloads based on past experience; (c) emergency requirements for staff and services; and (d) the availability of qualified substitute staff. Leave is considered to "unduly disrupt the operations of the department" if it would impose an unreasonable burden on the school/department's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services.~~

~~5-4. Recordkeeping.~~ Principals/department heads/~~designees~~ shall ensure that all non-exempt employees complete and submit, on a timely basis, accurate data recording their hours worked and leave taken. ~~They shall also ensure that exempt staff submit timely and accurate leave records.~~

G.E. Employee Responsibilities

~~1. Authorization for Overtime. Classified, Non-exempt employees may work additional overtime time beyond their scheduled hours only with prior authorization from their supervisors. Failure to do so may result in disciplinary action in accordance with Board policy. Employees will report additional hours worked to their supervisors within five (5) business days.~~

~~2. Scheduling Compensatory Leave. Classified, non exempt employees are required to arrange use of compensatory leave in advance with their supervisors.~~

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In case of a conflict because of the work schedule in a particular school/department, leave will be granted at the discretion of their supervisors.

- 3. ~~Time Recording.~~ All non-exempt employees must complete and submit, on a timely basis, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with County policy.

IVV. ON-CALL AND CALL-BACK COMPENSATION

A. On-Call Compensation

- 1. ~~Purpose.~~ Employees may be required to be available to return to work or "on-call" during a scheduled period. On-call periods have been established as 12-hour periods for the entire Division. Principals/department heads/designees may schedule employees to be on-call for shorter periods based on business needs.

- 2. ~~Compensation and Eligibility.~~ Non-exempt employees required to be "on-duty" while on-call must be compensated for the "on-duty" hours worked while on-call. A temporary or regular non-exempt employee on-call will be paid a flat fee equal to one and a quarter (1.25) of the employee's hourly pay rate for each 12-hour on-call period. When an on-call period less than 12 hours has been designated, an employee will still receive one unit of on-call pay for the period. Periods of on-call are not time worked and do not count towards the maximum allowable hours.

~~For example, an employee who makes \$10.00/hour and is on-call for a designated eight (8)-hour shift would receive \$12.50 for one on-call period. If the on-call shift was 13 to 24 hours, the employee would receive \$25.00 for two (2) on-call periods.~~

~~Time spent by non-exempt employees on-duty while on-call are to be compensated for such time as time worked. Whether the FLSA considers an employee to be "on-duty" while on-call depends on a number of circumstances, including, but not limited to, being required to remain on the employer's premises and being restricted from using on-call time effectively for personal purposes.~~

~~Exempt employees are not eligible to receive on-call compensation. In addition, non-exempt employees may be compensated for "off-duty" on call time pursuant to a departmental on-call compensation program approved in accordance with this section. Exempt employees are not eligible to receive on-call compensation.~~

- 1. ~~Condition to Work.~~ Employees who are "off-duty", but on-call, must remain in a work-appropriate condition. This includes, but is not limited to, refraining from consuming substances that impair or compromise an employee's ability to work.

- 2-4. ~~School/Departmental On-Call Compensation Programs Expectations.~~ Schools/departments may develop on-call compensation programs to ~~compensate guidelines and expectations for~~ employees for "off-duty" on-call time based on ~~their specific departmental~~ needs. Principals/department heads must submit their proposed guidelines to ~~the Human Resources Department and the~~

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1. ~~Receive compensation for that holiday for the hours worked plus the hours normally granted for holidays at the regular hourly; or~~

~~Be paid the regular hourly rate for the hours worked and accrue the hours normally granted for holidays. If an observed holiday falls on a day when an employee is not otherwise scheduled to work, the employee shall still earn the hours of compensatory leave normally granted for holidays for the observed holiday. Non-exempt employees must be compensated at time and a half for time physically worked in excess of 40 hours in the workweek.~~

~~C. Alternative Work Schedules. Employees who work alternative work schedules shall receive holiday leave in the amount of regularly scheduled hours per day for each observed holiday. It is the employee's responsibility to make up the hourly difference between the hours granted as holiday leave and the employee's alternative work schedule.~~

~~The employee and his/her supervisor may compensate for the difference in hours in one of two ways:~~

1. ~~The employee may use compensatory leave or annual leave; or~~

2. ~~The employee may work the difference within that workweek.~~

~~Example: An employee's position is established at 8 hours/day, 5 days/week for a total of 40 hour/week. The employee has an alternative work schedule of 10 hours/day, 4 days/week for a total of 40/hours per week. Eight (8) hours of holiday leave would be granted and the employee must account for the remaining 2 hours by working within that workweek or using compensatory or annual leave.~~

V. HOLIDAY PAY

Please refer to Policy GCC, Leave Program, for information on pay for work performed on a holiday.

VI. SHIFT DIFFERENTIALS

Non-exempt temporary and regular employees may be regularly or periodically scheduled to work evening or midnight shifts and may receive premium pay for such work. When six (6) or more hours are physically worked in either shift, the employee will receive the following percentage of his/her hourly rate for each hour worked in the range;

Evening: 4:00 p.m. – 12:00 a.m. Four (4%) percent of the hourly rate premium pay.

Midnight: 12:00 a.m. – 8:00 a.m. Five (5%) percent of the hourly rate premium pay.

Shift differential premium pay will not be granted when less than six (6) hours of work are performed in the designated range. Although an employee may be regularly assigned to an evening or night shift, the shift premium will not be paid when paid leave is taken and the employee will not be charged the premium for leave without pay.

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When employees are subpoenaed to appear as witnesses in legal proceedings or participate in hearings with other local, state, or federal agencies in their capacities as Division employees, the time spent in such work-related proceedings shall be compensable as time worked.

Employees who initiate or are otherwise involved in legal actions of any kind (excluding employee grievance proceedings) in their private capacity and not as a Division employee, whether such actions involve the Division or not, will not be permitted to treat such time as compensable work time. Leave may be requested in accordance with Policy GCC, Leave Program.

Adopted: July 1, 1993
Amended: September 13, 1993; September 12, 1994; December 8, 1997; January 14, 2010; June 12, 2014; ~~April 23, 2015~~; June 9, 2016
Reviewed: July 8, 2004; September 27, 2012

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