



August 2, 1993

**ADMINISTRATIVE MEMORANDUM NUMBER THIRTY-ONE**  
**ADMINISTRATIVE MANAGEMENT OF OVERTIME, COMPENSATORY TIME,**  
**AND TRADE TIME FOR CLASSIFIED AND SECRETARIAL EMPLOYEES**

PREFACE

The District appreciates Classified and Secretarial employees who are dedicated to their work. Federal law, however, has mandated that the District must comply with its guidelines, therefore, this memorandum has been written. It is hoped that the employees will understand the mandated regulations.

The Law:

The Federal Fair Labor Standards Act of 1938 as amended, requires that non-exempt employees (Classified and Secretarial) be paid time and one half for each hour worked beyond forty hours per week. The act further states that:

"Work not requested but suffered or permitted is work time. For example, an employee may voluntarily continue to work at the end of the shift."

if

"The employer knows or has reason to believe that he/she is continuing to work *then* the time is *considered* working time."

"The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed, they must count the time as hours worked."

DUTY OF MANAGEMENT:

"In all such cases it is the duty of the management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so."

### The Contract:

The Contracts (Employee Handbooks) also specify employee rights and obligations regarding overtime and compensatory time as follows:

1. Time and one-half will be paid to employees after working 40 hours in one week or the equivalent compensatory time and one-half at the employee's option.
2. Overtime, for pay purposes, must have prior approval of a member of the Superintendency, or in case of an overnight emergency, the following morning.
3. No contract employee shall work more than 8 hours per day without specific approval of the principal administrator (i.e. compensatory time and one-half, trade time).
4. Trade time at regular time is permitted within the same 40-hour work week.

### Supervisory Responsibility:

Administrators who have Classified and Secretarial employees working under their direction will review this memorandum with each employee and make a hard copy available to them.

Any non-exempt employee who has worked beyond the 8 hour day must have prior approval or approval the following day if, for some reason, the 8 hours extends after the Supervisor leaves the area or during evening or nighttime call outs.

The Supervisor will authorize one of the following status' if the time worked is valid:

1. One hour Trade time for each hour worked during the same 40 hour week. This time to be logged on the back of the employee's time and attendance card.
2. Compensatory time and one-half to be taken within the contract time lines. Time earned and taken to be logged on the back of the employee's time and attendance card.
3. Time and one-half pay. Submitted on the pink SPECIAL ACTIVITIES REPORT.

In no case will an administrator knowingly allow their non-exempt employees to work beyond 40 hours per week (8 hour day) without providing one of the three categories of compensation above.

/s/

Loren G. Burton  
Superintendent