

**AR4253 Overtime Pay/Compensatory Time Off**  
**Personnel**

**Status: ADOPTED**  
**September 6, 2011**

The Modoc County Office of Education 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 overtime.

The County Office 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 County Office and the employee before the work is performed. (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 County Office operations. The County Office shall make cash payments for CTO which has not been taken within 12 months of its accrual.

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

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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 Compensating 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 especially:

785.12 Overtime suffered or permitted

COURT DECISIONS

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