

AP 7230-1 Confidential Employees – Workweek, Hours, and Overtime

1.0 Workweek and Workday

- 1.1 The regular workweek for full-time confidential employees will be forty (40) hours per week. The workweek for a confidential employee having an average workday of four (4) hours or more during the workweek shall consist of no more than five (5) consecutive working days.
- 1.2 The length of the workday shall be designated by the District for each confidential assignment. Each confidential employee shall be assigned a regular minimum number of assigned hours per day, days per week, and months per year.
- 1.3 Duties will normally be scheduled on the days Monday through Friday; but, where it is necessary to carry out the functions of the assignment or to avoid conflicts with the instructional program, the workweek may be scheduled on any five (5) consecutive days, e.g., Tuesday through Saturday, or as otherwise provided by law.

2.0 Standard Workweek/Workday Schedule

- 2.1 The standard workweek/workday schedule for a full-time confidential employee is forty (40) hours per workweek consisting of five (5) consecutive workdays at eight (8) hours each.
- 2.2 The workweek for this schedule consists of the regular and recurring period of 168 hours beginning at 12:01 a.m. on Monday and ending at midnight on the following Sunday.
- 2.3 Holidays are eight (8) hours.
- 2.4 If a holiday falls on an eight (8) hour workday, that day becomes an eight (8) hour paid holiday. If a holiday falls on a scheduled day off, the confidential employee shall be provided with a substitute holiday or compensated as if the holiday had fallen on an assigned workday.
- 2.5 Any time worked beyond eight (8) hours per day on a scheduled eight (8) hour workday is considered overtime. Any time worked on a scheduled day off is considered overtime.

3.0 Alternative Workweek/ Workday Schedules

- 3.3.1 Pursuant to the provisions of the Education Code, a confidential employee may be assigned an alternative workweek/workday schedule as defined herein.
- 3.3.2 Four (4) Day / Ten (10) Hour Alternative Schedule ("4/10"):
 - 3.3.2.1 The concept is forty (40) hours per workweek consisting of four (4) workdays at ten (10) hours each and a designated day off, scheduled

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within a five (5) consecutive day period. Any day of the normal scheduled workweek may be scheduled as the designated day off.

For this example, Monday has been scheduled as the designated day off (Figure 1).

Figure 1				
Monday	Tuesday	Wednesday	Thursday	Friday
Designated Day Off	10 Hour Workday	10 Hour Workday	10 Hour Workday	10 Hour Workday

3.3.2.2 The workweek for this schedule consists of the regular and recurring period of 168 hours beginning at 12:01 a.m. on Monday and ending at midnight on the following Sunday.

3.3.2.3 Holidays are eight (8) hours.

3.3.2.4 If a holiday falls on a ten (10) hour workday, then that ten (10) hour workday becomes an eight (8) hour paid holiday. Two (2) hours of accrued compensatory time or vacation time shall be used, respectively, in combination with the eight (8) hour paid holiday.

For this example, the holiday falls on Friday (Figure 2).

Figure 2				
Monday	Tuesday	Wednesday	Thursday	Friday
Designated Day Off	10 Hour Workday	10 Hour Workday	10 Hour Workday	8 Hour Holiday + Use 2 Hours Comp or Vacation

3.3.2.5 Except where the designated day off is a Friday, if a holiday falls on a designated day off, the succeeding scheduled ten (10) hour workday shall be taken as an eight (8) hour paid holiday with two (2) hours of accrued compensatory time or vacation time to be used, respectively, in combination with the eight (8) hour paid holiday. Where the designated day off is a Friday, if a holiday falls on that day, the preceding scheduled ten (10) hour workday shall be taken as an eight (8) hour paid holiday with two (2) hours of accrued compensatory time or vacation time to be used, respectively, in combination with the eight (8) hour paid holiday.

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For this example, the holiday falls on Monday, the designated day off. The following scheduled ten (10) hour workday, Tuesday, is taken as the holiday (Figure 3).

Figure 3				
Monday	Tuesday	Wednesday	Thursday	Friday
Holiday Falls On Designated Day off	Taken As 8 Hour Holiday + Use 2 Hours Comp or Vacation	10 Hour Workday	10 Hour Workday	10 Hour Workday

3.3.2.6 Any time worked beyond ten (10) hours per day on a scheduled ten (10) hour workday is considered overtime. Any time worked on a designated day off is considered overtime (Figure 4).

Figure 4				
Monday	Tuesday	Wednesday	Thursday	Friday
Designated Day Off	10 Hour Workday	10 Hour Workday	10 Hour Workday	10 Hour Workday
Any Hours Worked =OT	Any Time Worked Past 10 Hours =OT	Any Time Worked Past 10 Hours =OT	Any Time Worked Past 10 Hours =OT	Any Time Worked Past 10 Hours =OT

3.3.3 Nine (9) Day/Eighty (80) Hour Alternative Schedule ("9/80")

3.3.3.1 The concept is eighty (80) hours in two (2) calendar weeks consisting of a fixed schedule of four (4) workdays at nine (9) hours each and one (1) workday at eight (8) hours in one calendar week and four (4) workdays at nine (9) hours each in the other calendar week. Any day within the two-(2) calendar week period may be scheduled as the designated day off, provided that the corresponding weekday within the two (2) calendar week period is scheduled as the eight (8) hour workday.

For this example, Friday has been used as both the designated day off and the eight (8) hour workday (Figure 5).

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Figure 5					
	Monday	Tuesday	Wednesday	Thursday	Friday
Week One	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	Designated Day off
Week Two	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	8 Hour Workday

3.3.3.2 The workweek for this schedule consists of the regular and recurring period of 168 hours beginning at the temporal midpoint of the scheduled shift on the eight (8) hour workday and ending at the same time on the corresponding day of the following calendar week.

3.3.3.3 Holidays are eight (8) hours.

3.3.3.4 If a holiday falls on a nine (9) hour workday, that nine (9) hour workday becomes an eight (8) hour paid holiday. One (1) hour of accrued compensatory time or vacation time shall be used, respectively, in combination with the eight (8) hour paid holiday.

For this example, the holiday falls on Monday of Week One (Figure 6).

Figure 6					
	Monday	Tuesday	Wednesday	Thursday	Friday
Week One	8 Hour Holiday + Use 1 Hour Comp or Vacation	9 Hour Workday	9 Hour Workday	9 Hour Workday	Designated Day off
Week Two	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	8 Hour Workday

3.3.3.5 If a holiday falls on the eight (8) hour workday, that eight (8) hour workday becomes an eight (8) hour paid holiday.

For this example, the holiday falls on Friday of Week Two (Figure 7).

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Figure 7					
	Monday	Tuesday	Wednesday	Thursday	Friday
Week One	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	Designated Day off
Week Two	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	8 Hour Holiday

3.3.3.6 If a holiday falls on a scheduled day off, then the succeeding eight (8) hour workday is taken for the holiday.

For this example, the holiday falls on Friday of Week One, the designated day off. The following scheduled eight (8) hour workday, Friday of Week Two, is taken as the holiday (Figure 8).

Figure 8					
	Monday	Tuesday	Wednesday	Thursday	Friday
Week One	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	Holiday Falls On Designated Day Off
Week Two	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	Taken As 8 Hour Holiday

3.3.3.7 If holidays fall on both a designated day off and the following eight (8) hour workday, the nine (9) hour workday preceding the designated day off is taken as an eight (8) hour paid holiday with one (1) hour of compensatory time or vacation time to be used, respectively, in combination with the eight (8) hour paid holiday, and the eight (8) hour workday following the designated day off is taken as an eight (8) hour paid holiday.

For this example, holidays fall on Friday of Week One, the designated day off, and the following Friday of Week Two, the scheduled eight (8) hour workday. Thursday of Week One, the nine (9) hour workday immediately preceding the scheduled day off, and Friday of Week Two, the eight (8) hour workday, are taken as holidays (Figure 9).

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Figure 9					
	Monday	Tuesday	Wednesday	Thursday	Friday
Week One	9 Hour Workday	9 Hour Workday	9 Hour Workday	Taken As 8 Hour Holiday + Use 1 Hour Comp or Vacation	Holiday Falls On Designated Day Off
Week Two	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	Taken As 8 Hour Holiday

3.3.3.8 Any time worked beyond nine (9) hours on a scheduled nine (9) hour workday is considered overtime. Any time worked beyond eight (8) hours on a scheduled eight (8) hour workday is considered overtime. Any time worked on the designated day off is considered overtime (Figure 10).

Figure 10					
	Monday	Tuesday	Wednesday	Thursday	Friday
Week One	9 Hour Workday Any Time Worked Past 9 Hours =OT	9 Hour Workday Any Time Worked Past 9 Hours =OT	9 Hour Workday Any Time Worked Past 9 Hours =OT	9 Hour Workday Any Time Worked Past 9 Hours =OT	Designated Day off Any Hours Worked = OT
Week Two	9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	8 Hour Workday Any Time Worked Past 8 Hours =OT

3.3.4 Five (5) Day/Thirty-Six (36) + Four (4) Hour Alternative Schedule ("36/4")

3.3.4.1 The concept is forty (40) hours per workweek consisting of four (4) workdays at nine (9) hours each and one (1) workday at four (4) hours. Any day can be scheduled as the four (4) hour workday.

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For this example, Friday has been scheduled as the four (4) hour workday. (Figure 11)

Figure 11				
Monday	Tuesday	Wednesday	Thursday	Friday
9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	4 Hour Workday

- 3.3.4.2 The workweek for this schedule consists of the regular and recurring period of 168 hours beginning at 12:01 a.m. on Monday and ending at midnight on the following Sunday.
- 3.3.4.3 Holidays are eight (8) hours.
- 3.3.4.4 If a holiday falls on a nine (9) hour workday, then that nine (9) hour workday becomes an eight (8) hour paid holiday. One (1) hour of accrued compensatory time or vacation time shall be used, respectively, in combination with the eight (8) hour paid holiday.

For this example, the holiday falls on Monday (Figure 12).

Figure 12				
Monday	Tuesday	Wednesday	Thursday	Friday
8 Hour Holiday + Use 1 Hour Comp or Vacation	9 Hour Workday	9 Hour Workday	9 Hour Workday	4 Hour Workday

- 3.3.4.5 If a holiday falls on the four (4) hour workday, that four (4) hour workday becomes an eight (8) hour paid holiday and the nine (9) hour workdays become eight (8) hour workdays.

For this example, the holiday falls on Friday, the scheduled four (4) hour workday (Figure 13).

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Figure 13				
Monday	Tuesday	Wednesday	Thursday	Friday
9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	Holiday Falls On 4 Hour Workday
Becomes 8 Hour Workday	Becomes 8 Hour Workday	Becomes 8 Hour Workday	Becomes 8 Hour Workday	Becomes 8 Hour Holiday

3.3.4.6 Any time worked beyond nine (9) hours per day on a scheduled nine (9) hour workday is considered overtime. Any time worked beyond four (4) hours per day on a scheduled four (4) hour workday is considered overtime (Figure 14).

Figure 14				
Monday	Tuesday	Wednesday	Thursday	Friday
9 Hour Workday	9 Hour Workday	9 Hour Workday	9 Hour Workday	4 Hour Workday
Any Time Worked Past 9 Hours =OT	Any Time Worked Past 9 Hours =OT	Any Time Worked Past 9 Hours =OT	Any Time Worked Past 9 Hours =OT	Any Time Worked Past 4 Hours = OT

- 4.0 **Adjustment of Assigned Time:** A confidential employee who works an average of thirty (30) minutes or more per day in excess of the employee's regular part-time assignment for a period of twenty (20) consecutive working days or more shall have the regular assignment adjusted upward to reflect the longer hours, effective with the next pay period.
- 5.0 **Reduction in Percentage of Employment:** Any involuntary reduction in a confidential employee's percentage of employment shall be accomplished in accordance with layoff procedures as outlined in AP7230-8.
- 6.0 **Overtime:** Confidential employees will be compensated for overtime according to the following provisions and in compliance with the Education Code and the Fair Labor Standards Act.
- 6.1 All overtime worked must have the prior approval of the immediate management supervisor.
 - 6.2 Except with respect to alternative workweek/workday schedules as provided in section 3.0, overtime is defined to include any authorized time worked in excess of

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eight (8) hours in any one day or on any one shift or in excess of forty (40) hours in a workweek, whether such hours are worked prior to the commencement of a regularly assigned starting time or subsequent to the assigned quitting time. For the purpose of computing the number of hours worked, all time during which a confidential employee is in paid status, including time excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence, shall be considered as time worked.

6.3 Overtime hours worked shall be compensated as compensatory time off at the rate of one and one-half (1-1/2) times the number of hours of overtime worked, or as payment at a rate equal to one and one-half (1-1/2) times the confidential employee's regular rate of pay, or as a combination of compensatory time off and payment, at the discretion of the immediate management supervisor.

6.3.1 A confidential employee shall report all overtime worked during the pay period on the monthly time sheet.

6.3.2 Overtime worked will be compensated by compensatory time off unless payment is expressly authorized by the immediate management supervisor and noted on the confidential employee's monthly time sheet.

7.0 Compensatory Time Off

7.1 Compensatory time off shall be taken by the confidential employee within twelve (12) months of following the month in which the overtime was worked and at the convenience of the department.

7.1.1 After twelve (12) months, if the compensatory time off is not taken, the District shall pay the confidential employee for the compensatory time at the employee's current regular rate of pay.

7.1.2 Unused compensatory time may not exceed 240 hours. When a confidential employee has accumulated 240 hours of compensatory time, any additional overtime worked shall be compensated by payment at a rate equal to one and one-half (1-1/2) times the employee's regular rate of pay.

7.1.3 Compensatory time off shall be taken in increments of not less than fifteen (15) minutes.

7.2 Payment for Accumulated Compensatory Time Upon Termination: When a confidential employee is separated from employment with the District for any reason, including layoff, the employee shall receive lump-sum payment for all accumulated and unused compensatory time. Payment shall be at the employee's current regular rate of pay.

8.0 **Shift Differential - Compensation:** The District pays premium pay for shift work, calculated as a percentage of the confidential employee's base pay and longevity pay, as follows:

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- 8.1 Swing Shift: A workday assignment, which ends at or after 9:00 p.m. shall be compensated an additional five percent (5%).
- 8.2 Graveyard Shift: A workday assignment, which ends at or after 1:30 a.m. shall be compensated an additional ten percent (10%).
- 8.3 To be eligible for shift differential compensation, a confidential employee must be permanently assigned to the shift and must work at least four days per week for at least four consecutive hours on the shift.
- 9.0 **Meal Periods and Rest Periods**: Specified times for meal periods and rest periods pursuant to the provisions of this section shall be established by the District.
- 9.1 Meal Periods: All confidential employees who have a workday of more than five (5) hours shall be entitled to an uninterrupted, duty-free unpaid meal period.
- 9.1.1 The meal period may be either thirty (30), forty-five (45), or sixty (60) minutes in duration as specified by the immediate management supervisor. The meal period will normally commence within one (1) hour of the midpoint of the work shift. The meal period shall not exceed the specified length; however, a confidential employee may extend the normal unpaid meal period with the prior approval of the immediate management supervisor.
- 9.1.2 A confidential employee who is authorized and required by the immediate management supervisor to work during the employee's scheduled meal period, and who is not provided an alternate meal period, shall receive overtime compensation.
- 9.1.3 A confidential employee shall not work during the scheduled meal period unless so authorized or directed in advance by the immediate management supervisor.
- 9.2 Rest Periods: Paid rest periods of fifteen (15) minutes each are allowed for each duty period consisting of at least four (4) consecutive work hours but less than five (5) consecutive work hours; paid rest periods of twenty (20) minutes each are allowed for each duty period consisting of at least five (5) consecutive work hours.
- 9.2.1 The scheduling of rest periods is subject to the approval of the immediate management supervisor. Use of rest periods shall be restricted to the reasonable vicinity of the workplace. Rest periods are not to exceed the specified length and, if not used, cannot be accumulated for credit. Rest periods shall not be taken during the first or last hour of the workday.
- 9.2.2 Rest periods are a part of the regular workday and shall be compensated at the confidential employee's regular rate of pay.

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- 9.3 Meal periods and rest periods may not be accumulated. Meal periods and rest periods shall be taken during the period of each workday and duty period as specified, unless otherwise authorized by the immediate management supervisor.
- 10.0 **Work on Holidays:** A confidential employee who is required to work on any day designated as a holiday by the District shall be provided with a substitute holiday within five (5) days prior to, or after, the designated holiday. If the immediate management supervisor is unable to schedule a substitute holiday due to the operational needs of the department, the employee shall be entitled to overtime compensation.

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