

596 OVERTIME

Education Code 45127

The workweek of a classified employee, as defined in Section 45103 or Section 45256, shall be 40 hours. The workday shall be eight hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the district. Nothing in this section shall be deemed to bar the district from establishing a workday of less than eight hours or a workweek of less than 40 hours for all or any of its classified positions.

Notwithstanding the provisions of this section and Section 45128, a governing board may, with the approval of the personnel commission, where applicable, exempt specific classes of positions from compensation for overtime in excess of eight hours in one day, provided that hours worked in excess of 40 in a calendar week shall be compensated on an overtime basis. Such exemption shall be applied only to those classes which the governing board and personnel commission, where applicable, specifically find to be a subject to fluctuations in daily working hours not susceptible to administrative control, such as security patrol and recreation classes, but shall not include food service and transportation classes.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

Education Code 45128

The governing board of each district shall provide the extent to which, and establish the method by which ordered overtime is compensated. The board shall provide for such compensation or compensatory time off at a rate at least equal to time and one-half the regular rate of pay of the employee designated and authorized to perform the overtime.

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If a governing board establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but 35 hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime. The foregoing provisions do not apply to classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established, nor to positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

CHANGE:

Correction of error.

Remove: August 4, 1986, page 1 of 8. Add: (Reissue) August 4, 1986, page 1 of 8.

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

LAW AND RULES

596
August 4, 1986

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

Education Code 45129

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the employing district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

Education Code 45130

Notwithstanding the provisions of Sections 45127 and 45128, a personnel commission, when applicable, or a governing board of a school district may specify certain positions or classes of positions as supervisory, administrative, or executive and exclude the employees serving in such positions and the positions from the overtime provisions.

To be excluded from such overtime provisions, the positions or classes of positions must clearly and reasonably be management positions. In approving positions or classes of positions for exclusion from the overtime provisions, the personnel commission, when applicable, or the governing board of a school district shall certify, in writing, that the duties, flexibility of hours, salary, benefit structure, and authority of the positions or classes of positions are of such a nature that they should be set apart from those positions which are subject to the overtime provisions, and that employees serving in such excluded positions or classes of positions will not be unreasonably discriminated against as a result of the exclusion.

Notwithstanding the provisions of this section, if a person serving in an excluded position is required to work on a holiday, as provided for in this code, or by action of a governing board, he shall be paid, in addition to his regular pay for the holiday, compensation, or given compensating time off, at a rate not less than his normal rate of pay.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

CHANGE:

Editorial changes. No changes in text.

Remove: June 3, 1973, page 2 of 8. Add: August 4, 1986, page 2 of 8.

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LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

LAW AND RULES

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(Reissue)* August 4, 1986

Education Code 45131

Notwithstanding the provisions of Section 45127, the workweek shall consist of not more than five consecutive working days for any employee having an average workday of four hours or more during the workweek. Such an employee shall be compensated for any work required to be performed on the sixth or seventh day following the commencement of the workweek at the rate equal to 1-½ times the regular rate of pay of the employee designated and authorized to perform the work.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his workweek, be compensated for at a rate equal to 1-½ times the regular rate of pay of the employee designated and authorized to perform the work.

Positions and employees excluded from overtime compensation pursuant to Section 45130 shall likewise be excluded from the provisions of this section.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

Education Code 45132

Notwithstanding the provisions of Section 45131, a governing board of a district may establish a 10-hour-per-day, 40-hour, four-consecutive-day workweek for all, or certain classes of its employees, or for employees within a class when, by reason of the work location and duties actually performed by such employees, their services are not required for a workweek of five consecutive days, provided the establishment of such a workweek has the concurrence of the concerned employee, class of employees, or classes of employees as ascertained through the employee organization representing a majority of the concerned employees or class or classes, of employees, as determined by the payroll deduction authorizations for dues in classified employee organizations on file with the district on the last day of the month next preceding the date the board action was taken.

Where a board has previously established the workweek of not less than 35 hours, it may require the established workweek to be performed in four consecutive days by any class or classes of employees or by employees within a class, when by reason of the work location and duties actually performed by such employees their services are not required for a workweek of five consecutive days, with the concurrence of employee personnel as provided herein.

When a four-day workweek is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed 10 hours. Work performed on the fifth, sixth and seventh days shall be compensated for at a rate equal to 1-1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

CHANGES:

Correction of clerical error.

Remove:(Reissue) August 4, 1986, page 3 of 8. Add:(Reissue)* August 4,1986,page 3 of 8.

Overtime

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An employee working an average workday of five hours or less during a workweek shall, for any work required to be performed on the sixth or seventh day following the commencement of his workweek, be compensated for at a rate equal to 1-½ times the regular rate of pay of the employee designated and authorized to perform the work.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

Education Code 45133

(a) Notwithstanding sections 45127 and 45131, a governing board of a school district or a county superintendent of schools may establish a 9-hour-per-day, 80-hour-per-2-week work schedule, provided the establishment of the work schedule has the concurrence of the employee organization, or in the absence of an employee organization, the concurrence of the affected employee.

(b) When a 9-hour-per-day, 80-hour-per-2-week work schedule is established, it shall consist of nine work days, eight of which shall be nine-hour days, and one of which shall be an eight-hour day. The overtime rate shall be paid for all hours worked in excess of the required work day, which shall not exceed nine hours, at a rate equal to one and one-half times the regular rate of pay for the employee designated and authorized to perform the work.

(c) When a 9-hour-per-day, 80-hour-per-2-week work schedule is established, the workweek shall be defined in either of two ways, as follows:

(1) The workweek shall begin on noon Friday and will end at noon the following Friday, with the employee working nine hours each day except on alternate Thursdays when the employee will work eight hours, and on alternate Fridays when the employee will not work; or,

(2) The workweek shall begin at noon on any other day of the week and shall be defined so that no employee will be required to work more than 40 hours during any given workweek.

(d) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

CHANGE:

Adding to Education Code Section 45133.

Remove: November 19, 1990, page 4 of 8. Add: (Reissue) November 19, 1990, page 4 of 8.

Overtime

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

(Reissue) November 30, 1992

- A. Overtime shall be paid at the rate of time and one-half. Overtime shall be computed only on the basis of working hours exclusive of meal time in excess of an established eight, nine, or ten hour work day or 40 hours in any calendar week. Less than 15 minutes overtime in any one day shall not be counted.
- B. An employee who is in paid status for an average of four hours or more a day for five consecutive days shall be paid at time and one-half for any work required to be performed on the sixth or seventh day of the workweek. An employee who is in paid status for an average of less than four hours a day for five consecutive days shall be paid overtime for work performed on the seventh day of the workweek.
- C. An equitable distribution of overtime shall be made among qualified members of a given office or unit as the circumstances permit. Need, seniority, availability, and fitness are proper factors for consideration in making this distribution.
- D. Classes whose principal duties and responsibilities are classified as executive/administrative in terms of the following definitions shall be excluded from the overtime payment provisions of this Rule:

The primary duties and responsibilities consist of management or supervision of a customarily recognized division or subdivision and the following characteristics:

1. Customarily and regularly direct the work of employees in the division or subdivision.
2. Have authority to hire and discharge employees or make recommendations as to the hiring and discharging and as to the advancement and promotion or any other change of status of employees, which recommendations are given particular weight.
3. Customarily and regularly exercise discretionary powers.
4. Do not devote more than 20 percent of total hours worked to activities that are not directly and closely related to the performance of the work described in Paragraph D.1. through 3. above.

The Personnel Commission may designate other classes as executive/administrative when special circumstances warrant exceptions to these definitions.

CHANGE:

Amending Paragraph A. Deleting Paragraph C. Relettering Paragraph D. & E. to C. & D.

Remove: (Reissue) August 4, 1986, page 5 of 8. Add: (Reissue) November 30, 1992, page 5 of 8.

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LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

December 7, 2011

E. Incumbents of positions in the classes listed below are assigned as executive/administrative and are thereby exempt from the overtime payment provisions of this Rule:

Executive/Administrative Classes

Administrative Project Coordinator, Superintendent's Office	Chief of Intensive Support and Intervention Schools
Administrative Services Manager	Chief of Police
Administrative Officer	Chief of Staff
Adult Education Administrative Specialist	Claims Coordinator
Application Server Administrator	Classified Assignments Coordinator
Application Server Specialist	Complex Project Manager
Area Facilities Services Director	Computer Applications Administrator SAP
Area Food Services Supervisor	Computer Applications Specialist
Area Operations Supervisor	Computer Applications Specialist (Accounting)
Assistant Budget Director	Computer Applications Specialist (Certificated Personnel)
Assistant Chief Human Resources Officer	Computer Applications Specialist (Finance)
Assistant Contract Administration Manager	Computer Applications Specialist (Internet/Intranet)
Assistant Director, Maintenance and Operations Central Facilities	Computer Applications Specialist (Payroll-SAP)
Assistant Director, Design Standards and Technical Specifications	Computer Applications Specialist (Pupil Services/AB922)
Assistant Director, Personnel	Computer Applications Specialist (Purchasing)
Assistant General Counsel	Computer Applications Specialist (Student Data Warehousing)
Assistant Project Manager	Construction Claims Manager
Assistant Stores Operations Manager	Construction Manager
Assistant Truck Operations Manager	Construction Safety Manager
Associate General Counsel I	Contract Administration Manager
Associate General Counsel II	Contracts Supervisor
Audit Manager	Controller
Benefits Manager	Coordinator of IT, Security
Bond Oversight Administrator	Coordinator of Legislative Analysis and Advocacy
Branch Director	Coordinator of Local Government Relations
Branch Human Resources Manager	Coordinator of Policy Research and Development
Budget Policy Analyst	Data Base Administrator
Business Manager	Data Base Specialist
Carpentry Technical Supervisor	Data Center Architect
Central Business Advisor	Deputy Branch Director
Charter Schools Director	Deputy Branch Director - Facilities
Charter Schools Operations Coordinator	Deputy Budget Director
Chief Accountant	Deputy Chief Building/Construction Inspector
Chief Boundary Coordinator	Deputy Chief Facilities Executive
Chief Broadcasting Engineer	Deputy Chief Financial Officer
Chief Building/Construction Inspector	Deputy Chief Human Resources Officer
Chief Educational Research Scientist	Deputy Chief Information Officer
Chief ERP Director, Business Systems	Deputy Chief of Police
Chief Estimator	Deputy Controller
Chief Facilities Executive	Deputy Director of Acquisition and Planning
Chief Financial Officer	Deputy Director of Architecture and Engineering
Chief Human Resources Officer	Deputy Director of Communications and Media Relations
Chief Information Officer	Deputy Director of Data Processing Operations
Chief Information Systems Director	Deputy Director of Facilities Contracts
Chief Inventory Analyst	Deputy Director of Facilities Design
Chief Operating Officer	Deputy Director of Facilities Legislation, Grants, and Funding
Chief Procurement Officer	Deputy Director of Facilities Planning and Development
Chief Risk Officer	Deputy Director of Facilities Program Support Services
Chief Strategy Officer	Deputy Director of Facilities Project Execution
Chief Technology Director	Deputy Director of Facilities Projects

CHANGES: Remove: September 7, 2011, page 6 of 8. Add: December 7, 2011, page 6 of 9.

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Executive/Administrative Classes (Continued)

E. (Continued)

Deputy Director of Food Services	Director of Food Services
Deputy Director of Information Systems	Director of Grants and Funding
Deputy Director of IT, Customer Support	Director of Information Systems
Deputy Director of IT, Infrastructure Project Management	Director of Information Systems - Facilities
Deputy Director of IT, Training	Director of IT, Customer Support
Deputy Director of Maintenance and Operations (Maintenance Services)	Director of IT, Infrastructure Project Management
Deputy Director of Payroll Administration	Director of IT, Network Operations
Deputy Director of Procurement Services	Director of IT, Security
Deputy Director of Project Management - New Construction	Director of IT, Software Project Management
Deputy Director of Project Support - Preconstruction and Cost Estimation	Director of IT, Strategic Planning & Implementation
Deputy Director of Project Support-School Occupancy	Director of IT, Support Services
Deputy Director of Transportation	Director of IT, Telecommunications
Deputy Director, Claims	Director of IT, Training
Deputy Director, Employee Relations	Director of Insurance
Deputy Director, Insurance Risk and Finance	Director of Integrated Disability Management
Deputy Director, Student Information Systems	Director of LA's BEST
Deputy Environmental Health & Safety Director	Director of Leasing and Asset Management
Deputy ERP Project Director	Director of Legislative Affairs and Governmental Relations
Deputy Ethics Officer	Director of Marketing and Communications
Deputy General Counsel	Director of Masterplanning and Demographics
Deputy Inspector General, Audits	Director of Materiels Management and Purchasing
Deputy Inspector General, Investigations	Director of Non-Academic Facilities Planning
Deputy Personnel Director	Director of Payroll Administration
Design and Technical Specification Coordinator	Director of Performance Management
Design Director	Director of Procurement Administration
Director of Accounting	Director of Procurement Services
Director of Accounts Payable	Director of Procurement Support
Director of Acquisition and Relocation	Director of Program and Project Controls
Director of Asset Management	Director of Program Evaluation and Research
Director of Benefits Administration	Director of Programming and Operations
Director of Budget Services and Financial Planning	Director of Project Support-New Facilities
Director of Communications and Media Relations	Director of School Information Management
Director of Community Outreach	Director of Sustainability
Director of Compliance, Grants and Strategic Contracting Coordination	Director of Television Engineer and Technical Operations
Director of Contracts Administration	Director of Translations
Director of Data Processing Operations	Director of Transportation
Director of Environmental Health and Safety	Director of Treasury
Director of External Affairs and Administration	Director, Human Resources Management and Support Services
Director of Facilities Contracts	Director, iDesign
Director of Facilities Design	Disability Manager
Director of Facilities Legislation, Grants, and Funding	Division Human Resources Administrator
Director of Facilities Maintenance & Operations	Electrical Technical Supervisor
Director of Facilities Planning and Development	Electronics Technical Supervisor
Director of Facilities Program Support Services	E-Mail Administrator
Director of Facilities Programs	Energy Program Manager
Director of Facilities Project Execution	Environmental Health Manager, Environmental Programs
Director of Facilities Projects	Environmental Health Manager, Safety & Industrial Hygiene
	ERP Director of Change Management
	ERP Project Director, School Management Systems
	Ethics Officer
	Executive Chef

CHANGES: Remove: September 7, 2011, page 7 of 8 Add: December 7, 2011, page 7 of 9.

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

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LAW AND RULES

September 7, 2011

Executive/Administrative Classes (Continued)

E. (Continued)

Executive Director of Talent Management	Payroll Operations Manager
Executive Director, Adult and Career Education	Personnel Director
Executive Director, Innovation and Charter Schools	Plumbing Technical Supervisor
Executive Director, Office of Data and Accountability	Police Captain
Executive Director, Special Education	Principal Administrative Analyst
Executive Director, Visual and Performing Arts	Principal Administrative Assistant
Executive Officer of the Board of Education	Principal Administrative Assistant, Office of the Superintendent
Facilities Asset Development Director	Principal Financial Analyst
Facilities Development Manager	Principal Human Resources Specialist
Facilities Information Systems Project Administrator	Principal Procurement Officer
Facilities Project Manager II	Principal Realty Agent
Facilities Support Services Financial Specialist	Procurement Policy Officer
Fiscal Reports Specialist	Program Associate L
Fleet Maintenance Manager	Program and Policy Development Advisor
Fiscal Resources and Training Manager	Program and Project Controls Manager
Fiscal Services Manager	Program Evaluation and Research Coordinator
Food Production Manager	Project Management Administrator, Office of the Chief Operating Officer
Food Services Program Manager	Purchasing Services Manager
General Counsel	Real Estate Project Director
General Manager, KLCS	Regional Construction Director
Head Accountant	Regional Facilities Director
Heating and Air Conditioning Technical Supervisor	Regional Outreach Manager
Human Resources Officer	Regional Project Management Director
IT Administrator, Shared Technical Services	Regional Transportation Manager
IT Project Manager	Relocatable Housing Program Manager
Inspector General	Relocation Program Manager
Insurance Coordinator	Reprographic Services Manager
IT Infrastructure Project/Program Manager	Resident Construction Engineer
Joint Use Program Director	Roofing Technical Supervisor
Labor Compliance Manager	Safety Manager
Legislative Advocate	SAP ABAP Developer
Legislative Liaison	SAP Basis Administrator
Litigation Research Coordinator	SAP Enterprise Portal Specialist
Local District Facilities Director	SAP Functional Analyst (eRC, BN, BW, Security)
Los Angeles Pilot Schools Coordinator	SAP Functional Analyst (PA/OM)
Manager - Central Facilities	SAP Functional Analyst (TM/PY)
Manager of Computer Repair Services	SAP Functional Analyst (FI/CO, Budget)
Manager of Customer Support Services	School Business and Operations Manager
Manager of Data Processing Operations	School Volunteer Programs Director
Manager of Telecommunications	Senior Administrative Assistant, Office of the Superintendent
Medi-Cal Reimbursement and Cost Recovery Manager	Senior Construction Claims Manager
Medical Director of Employee Health Services	Senior Contract Administration Manager
Metal Technical Supervisor	Senior Facilities Development Manager
Network Operations Manager	Senior Facilities Project Manager
Nutrition Services Manager	Senior Food Services Supervisor
OCIP Coordinator	Senior IT Infrastructure Project/Program Manager
Operating Systems Administrator	Senior Maintenance Planner
Operating Systems Specialist	Senior Operations Training Specialist
Operations Program Manager	Senior Resident Construction Engineer
Operations Training Specialist	Senior Sustainability Specialist
Outdoor-Education Center Manager	Senior Systems Specialist
Painting Technical Supervisor	
Payroll Administration Manager	

CHANGE: Remove: August 17, 2011, page 8 of 8. Add: September 7, 2011, page 8 of 9.

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Executive/Administrative Classes (Continued)

E. (Continued)

Senior Systems Specialist-Filenet
Senior Technical Project Manager
Senior Technical Project Manager-Facilities
Small Business Manager
Special Assistant, Facilities Services
Special Assistant to the Chief of Staff
Special Assistant to the Chief Facilities Executive
Special Assistant to the Inspector General
Special Assistant to the Superintendent
Special Facilities Projects Manager
Strategic Planning Network Engineer
Supervising Building/Construction Inspector
Supervising Investigator
Supervising Purchasing Services Coordinator
Systems and Programming Director
Systems and Programming Manager
Systems Science Specialist
Systems Standards Manager
Technical Project Manager
Technical Specialist
Telecommunications Specialist
Textbook Services Manager
Transportation Dispatch Manager
Transportation Services Manager
Truck Operations Manager
Vendor Services Manager
Warehouse Manager
Web Architect

- F. An employee in an executive/administrative class who is required to work on a holiday shall be granted compensating time off on a straight time hour-for-hour basis within 12 calendar months following the month in which the holiday was worked.
- G. Classified employees who work any hours that the Board of Education has designated as excused time shall be given equivalent time off by the end of the following pay period.