

## **ARTICLE 12**

### **OVERTIME**

- 12.1 Overtime is defined as authorized time worked in excess of forty (40) hours in the designated workweek.
- 12.2 Overtime shall be compensated at one and one-half (1 1/2) times the employee's regular hourly rate. For purposes of calculating overtime, the regular hourly rate of pay is determined by dividing the monthly salary amount by 173.33 hours. Shift differentials shall be included in the regular hourly rate of pay. All other payments and allowances are not included in the regular hourly rate of pay.
- 12.3 All overtime worked shall be compensated by cash or compensatory time. Such determination shall be made prior to the time an employee is requested to work overtime, if practicable. However, all overtime worked beyond the accrual of two hundred and forty (240) hours of compensatory time shall be paid in cash.
- 12.4 Overtime will be credited on a one-quarter hour basis with a full quarter of an hour credit granted if half or more of that period is worked. Smaller fractional units will not be accumulated.
- 12.5 Paid holiday, paid sick leave, paid vacation and paid CTO, when used, shall be counted as time worked for purposes of this Article.
- 12.6 Nothing contained in this Agreement shall be interpreted as requiring a duplication or a pyramiding of holiday, vacation, daily, or weekly overtime payments involving the same hours of work.
- 12.7 When an employee is separated from service, the employee is entitled to a lump-sum payment for any earned compensatory time by reason of previous overtime worked.
- 12.8 The scheduling of CTO shall be by mutual agreement of the employee and the appropriate administrator. When an employee's CTO balance is over one hundred eighty (180) hours and mutual agreement is not possible, the appropriate administrator may direct the employee to take earned CTO provided that seven (7) days' notice is provided to the employee.
- 12.9 Overtime for which cash compensation will be paid should be scheduled for payment in the pay period following the pay period in which the overtime was worked.
- 12.10 The appropriate Cal Maritime administrator shall assign overtime work. The appropriate Cal Maritime administrator shall endeavor to equalize overtime work among all employees who have expressed interest in overtime work by placing their name on an overtime list. In making each overtime assignment, the Cal Maritime

administrator shall consider those employees on the overtime list who are qualified for the assignment.

- 12.11 In emergency situations or when there are an insufficient number of qualified employees desiring to work overtime, employees may not decline overtime assignments.
- 12.12 For purposes of this Article, "emergency" shall also mean a circumstance, which requires action to preserve the basic operations of the campus.
- 12.13 Employees shall have an eight (8) hour rest period from the end of an overtime assignment until the beginning of the next regularly scheduled work shift, except in cases of emergency. In the event the next regularly scheduled work shift begins less than eight (8) hours from the conclusion of such an overtime assignment, the employee may report to work at the completion of the eight (8) hour rest period. The employee has the option of making up the hours missed at the beginning of the regularly scheduled shift by (1) changing his start time for that day until eight (8) hours after the completion of the overtime assignment and then working eight (8) hours, or (2) using accrued leave credits for the hours missed, or (3) taking off the hours missed as unpaid leave of absence.
- 12.14 In the event an employee is required to respond to work-related issues on their regularly scheduled time off via telephone or other electronic device, and the time worked for any individual occurrence exceeds fifteen (15) minutes, such time shall be counted as time worked. This time worked outside of the workplace shall not be considered call-back pursuant to Provision 12.15 below.

### **Call-Back**

- 12.15 Call-back is work performed at a time outside of and not continuous with an employee's regular work schedule. An employee called back to work shall be credited with a minimum of four (4) hours work time, for call back duty at two and one-half (2 ½) times their hourly rate, provided the employee has been called back to work without having been notified prior to completion of the work shift, or the employee is notified prior to the completion of the work shift and the work begins more than three (3) hours after the completion of the work shift. When an employee is called back to work, only the hours worked shall be counted as time worked for purposes of computing overtime. The hours not worked, but credited, shall be at the one and one-half (1 ½) times the employee's hourly rate.
- 12.16 An employee may be called back to work at the discretion of the appropriate administrator. The appropriate administrator shall endeavor to assign call-back work on a rotating basis from a list of qualified volunteers. If no volunteers are available, or in emergency situations, the employee who is called back to work shall be required to perform the work. When an employee is called back to work, the employee, with the permission of the appropriate administrator, or his or her designee when required,

will be permitted to leave when the appropriate actions required to preserve the basic operations of the campus due to the emergency have been completed.