

# **Human Resources Guidelines for Compensation of Temporary and Student Help Employees**

## **Workday Defined**

Per California Labor Code, Section 500, a workday means any consecutive 24-hour period starting at the same time each calendar day.

## **Workweek Defined**

Per California Labor Code, Section 500, a workweek means any seven consecutive 24-hour periods starting on the same calendar day each week. Temporary and Student Employees are entitled to at least one day off in a seven-day workweek in accordance with Labor Code. Per U.S. Citizen and Immigration Services regulations, international students with F-1

Nonimmigrant Status may not exceed twenty (20) hours per week while classes are in session; otherwise, students shall be employed for no more than twenty-six (26) hours per week during a semester and no more than forty (40) hours per week between semesters per Board Regulation 2632, 3.1.

## **Wages and Hours**

Temporary and Student Employees are paid on an hourly basis. Specific hourly rates are listed on the Los Rios Community College District, Temporary Clerical/Secretarial/Paraprofessional, Temporary Maintenance/Service, Temporary Special Rate, Temporary Interpreter, and Student Help/College Work Study salary schedules. Temporary and Student Employees are not provided health benefits, vacation or holiday pay (per LRCCD Policy 6361 and Regulation 2631).

## **Reporting Time Pay**

Per Wage Order #4, of the Labor Commissioner's Officer (2014):

Section 5:

(A) Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay, which shall not be less than the minimum wage.

(B) If an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage.

(C) The foregoing reporting time pay provisions are not applicable when:

(1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities;

or

(2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or

(3) The interruption of work is caused by an Act of God or other cause not within the employer's control.

(D) This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time.

### **Regular Classified Employees Working an Additional Temporary Assignment**

When a Regular Classified Employee is being offered a temporary assignment in addition to their regular assignment (i.e., regular position is Grant Coordination Clerk , 50% and they are temporarily assigned an additional 20 hours as Clerk III), the employee is to be paid off of the appropriate Regular Classified salary schedule and a P103A form must be completed. For additional information regarding this process, please refer to the document entitled, "Regular Classified Employees Working Temporary Assignments or Extension of Hours Effective July 1, 2013".

### **Split Shifts**

Temporary and Student Employees do not receive additional pay when working split shifts (i.e., employees can have a break of over one hour in their workday and are not to be paid for the break in their assignments).

### **Overtime**

#### Student Employees

Per Board Regulation 2631, 3.1 "A student shall be employed for no more than twenty-six (26) hours per week during a semester and no more than forty (40) hours per week between semesters".

Note that "during a semester" includes breaks during the semester (i.e., Spring Break or Thanksgiving Break). The semester ends after finals week (students may begin working more than 26 hours after finals week has ended).

Should a student be allowed to work overtime, they will be paid at the overtime rate as indicated for temporary employees below.

#### Temporary Employees

LRCCD will follow past practice and Fair Labor Standard Act (FLSA) in regard to calculating overtime for temporary employees.

### Time and a Half Times Regular Pay

Per Board Regulation 6323, Overtime pay for Temporary Employees, “1.1 Temporary employees will be compensated at time and one-half for all time worked over eight (8) hours a day and/or forty (40) hours in a workweek.” Only hours paid at straight time accumulate toward the 40 hours in a workweek.

#### Example:

Mon: 8 hours

Tues: 10 hours (paid 2 hours overtime, worked over 8 hours in a day)

Wed: 8 hours

Thurs: 8 hours

Fri: 8 hours

Sat: 8 hours (paid 8 hours overtime, worked over 40 (straight time) hours in a week)

### Regular Pay

Regular Pay is determined using straight pay of the position occupied. If the employee is working one position within the same work week, or if the employee is working two or more non-exempt positions within the same work week, time and one-half will be paid based upon the regular rate of the position in which overtime is reached.

### Overtime When Working in Two Positions

If a temporary or student employee is working in more than one position and they end up working overtime, their overtime should be compensated at the higher pay rate of all their positions.

### Meal and Rest Breaks

Employees must be given an opportunity to take a 15-minute paid rest break for every four hours worked. Rest breaks cannot be combined or added to meal breaks, even at the employee’s request. Additionally, breaks cannot be used to allow the employee to come in 15 minutes late or leave 15 minutes early. Failure to provide rest breaks and/or meal breaks is a violation of State and Federal law and subjects the District to penalties. Provide a 15-minute rest break as follows for the work hours involved:

<b>Hours of Work</b>	<b>Rest Breaks</b>
0-3.5	0
3.5-6.0	1
6.0-10.0	2
10.0-14.0	3
14.0-18.0	4

Provide a meal break of at least one half-hour for every work period of more than five (5) hours. The meal break must begin no later than four hours and 59 minutes into the employee's shift. If mutually agreed upon by the appropriate administrator and employee, if six hours of work completes the day's shift, the employee may voluntarily choose not to take the meal break. Meal breaks may be unpaid only if:

- The total hours worked on that workday do not total more than 12;
- The employer and employee mutually consent; and
- The first meal break of the workday was not waived.