The Fair Labor Standards Act and applicable state labor law govern the payment of overtime wages. Biola University’s policies mirror the requirements of these laws. Biola’s workweek begins at 12:01 a.m. on Monday. The information below applies to non-exempt employees (02 and 03).

The law requires that only hours worked count toward overtime. Therefore, sick, vacation, holiday, personal business leave, and any other paid but not worked hours do not have to be counted toward qualification for overtime. However, Biola has decided that holiday hours (not including bonus days) will count as time worked for the purposes of determining overtime eligibility.

**General Rules—Regular Work Schedule**

Regular hours are paid for the first 8 hours of work in a workday and the first 40 regular hours in a workweek.

Overtime is paid at 1½ times the regular hourly rate for hours worked in excess of 8 and up to 12 in any workday and for work in excess of 40 regular hours per week.

Double time is paid after 12 hours in any workday.

If an employee is required to work each day, Monday through Saturday, and then is required to work Sunday, the first 8 hours of Sunday work is paid at 1½ times the normal rate of pay (even if the 40 hour threshold has not been reached). Double time is paid after eight hours.

Example: An employee normally works a 37½ hour week (7½ hours per day). The employee works Monday through Friday for 37½ total straight-time hours. The employee works 7½ hours on Saturday. The employee receives 2½ hours of Saturday work at the regular rate (37½ + 2½ = 40 hours) and 5 hours of pay at 1½ times the regular rate.

Example: An employee with accrued sick leave is sick on Monday, then works 8 hours per day, Tuesday through Friday (32 total worked hours). The employee then works 8 hours on Saturday (40 total worked hours). The employee is paid 8 hours of sick leave pay at the regular rate plus 40 hours at the regular rate for time worked for a total of 48 regular rate hours.

Example: An employee works 13 hours on Monday and 8 hours each day, Tuesday through Friday. The employee is paid 40 hours of regular pay, 4 hours at 1½ times the normal rate, and 1 hour of double time.

**General Rules—Alternate Work Schedule**

An alternate work schedule is a regular work schedule for a group of employees that allows the employees to work more than 8 hours per day, but no more than 10 per day, at the regular rate of pay. Such work schedules require the approval of the department manager and the Sr. Director of Human Resources and must be voted on by the applicable non-exempt employees with a two-thirds vote achieved. All such elections are to be conducted by Human Resources.

Regular hours are paid for the established normal day of the alternate work schedule.
Overtime is paid at 1½ times the regular rate for hours in excess of the normal work day, up to twelve, or after 40 regular hours of work in any work week.

Double time is paid after 12 hours in any regular workday or after 8 hours on a day that is not a regular workday in which the employee is required to work.

Example: An employee works an approved alternate work schedule of 4 10-hour days, Monday through Thursday. On a certain week, the employee works 5 hours on Monday, using 5 hours of personal business time, and then works the normal 10-hour days on Tuesday through Thursday. The employee is then called in to work nine hours on Friday. In this example, the employee is paid 45 regular hours, 3 at 1½ times the normal rate, and 1 at double time.

Overtime Questions

1. Can a supervisor require an employee to work overtime?

   Yes, provided reasonable advance notice is given to the employee. Reasonable notice is generally considered to be as follows:
   
   • For staying late or coming back in the evening on a regular workday: by noon of that day
   • For coming in on a non-workday such as a Saturday (for a Monday through Friday worker): by the close of work, two days prior to the overtime day (Thursday at 4:30 p.m. or 5:00 p.m. for Saturday work)
   
   Disciplinary action can be initiated toward employees who, barring unusual personal circumstances, refuse to work overtime. Also, the general rule for advance notice is waived for emergency situations that reasonably could not have been foreseen.

2. If an employee declares "unauthorized" overtime (worked without permission) on his or her timecard (e.g., starting to work early at 7:45 instead of 8:00, working through lunch, taking work home), must it be paid?

   If the supervisor were completely unaware of it, if the organization has a policy forbidding unauthorized overtime, and if that policy is enforced, then the answer is “no.” However, if the supervisor observed the employee working early, working through lunch, and taking files, (etc.) home and returning with them the next morning, and the supervisor did nothing about it, then the supervisor is deemed to have permitted and, therefore, approved the overtime. The overtime pay is due to the employee whether the employee declared it on the timecard or not. A supervisor can initiate disciplinary action toward an employee who ignores a warning to stop violating the organization's policy forbidding unauthorized overtime.

3. If an employee works a full day and then attends an evening class or seminar relating to work, does this require overtime pay for time in class?

   If the supervisor required or requested (or indicated that the course was necessary to learn a job, keep a job, receive a good performance review, or in any other way led the employee to
feel it was mandatory) that the employee attend, then the answer is “yes;” normal overtime rules would apply. If attendance is strictly voluntary, then the answer is “no.”

4. **Must an employee's travel time to and from a required evening class or seminar be paid as overtime?**

Yes.

5. **An employee works two different jobs for the same employer (either for the same department or different departments). The employee works 8 hours per day at the first job, and 2 hours per day at the second job (resulting in a total of 50 hours per week). Must overtime be paid?**

Yes. The overtime rules apply just as if there were one job.

6. **Can compensatory time off be given to avoid paying overtime?**

California State Law prohibits paying compensatory time off in lieu of paying overtime. The only exception is for “make-up time.” California allows employees to request, in writing, to work more than 8 hours on one day, but no more than 11 hours, at a straight-time basis, to allow the employee time off during the same workweek to conduct personal business.

7. **Can an employee choose to work an alternate schedule, working more than 8 hours in a day at regular rate (not overtime) so they may leave early or not work another day?**

Yes. An employee may request from their supervisor to work more than 8 hours in a day at regular rate (not overtime) in order to leave work early or to not work another day. Both the "short" day(s) and "long" day(s) must be in the same work week. One cannot work less hours in one work week and make them up in another work week, even if both weeks occur within the same pay period. Requests must be temporary in nature to allow the employee to attend to a specific need, and such requests cannot be used to accomplish a permanent change in schedule. A letter must be kept on file indicating the request from the employee and approval from the supervisor. The supervisor is responsible for keeping this letter (which is subject to state audit at any time), and if an employee is hourly, "letter on file" must be clearly indicated on the timecard. If an employee is requesting this special schedule change in order to attend school (or other need that extends over a period of weeks), the "letter on file" process must be completed every four weeks.