

TEACHING BY CLASSIFIED EMPLOYEES

The U.S. Department of Labor indicates that community college classified employees fall under the Fair Labor Standards Act (FLSA) and therefore, those classified employees categorized as non-exempt are entitled to one and one-half times their regular rate of pay for all hours worked over forty in one week. This calculation of forty hours includes classified hours worked as well as hours worked in the normally exempt category of teaching. Under the FLSA hours paid hours not spent working (such as vacation, holidays, sick leave, etc.) are not counted in the 40 hour total for determining overtime eligibility. The California Education Code sections on overtime for classified employees do not apply to hours worked outside of the Classified Service, such as hours spent teaching. Classified employees may teach on a part-time basis pursuant to the following procedures:

1. The employee must meet the qualifications outlined in the particular discipline covering the part-time teaching assignment.
2. The employee has applied for a part-time teaching assignment and been approved for the assignment pursuant to normal District practices.
3. The employee's class and step placement on the part-time faculty salary schedule shall be calculated using the agreed upon methodology outlined in the United Faculty collective bargaining agreement. There shall be no deviation from this methodology.
4. If the employee's regular classified assignment is declared exempt from the FLSA overtime by District Human Resources, then no overtime requirements apply and the employee shall be placed on the appropriate class and step on the part-time faculty salary schedule.
5. If the employee's regular classified assignment is declared non-exempt from the FLSA overtime by District Human Resources, then the employee's combined classified and part-time faculty hours must be analyzed to determine the appropriate required overtime rate of pay. If the weighted blended rate method for calculation of the required overtime rate of pay for the part-time teaching position as required by the FLSA is equal to or less than the normal class and step placement on the part-time faculty salary schedule, the employee shall be paid the normal class and step placement hourly rate for the part-time teaching assignment.
6. If the weighted blended rate method for calculation of the required overtime rate of pay for the part-time teaching position as required by the FLSA is greater than the normal class and step placement on the part-time faculty salary schedule, the employee shall be given two options:
 - a. If the combined classified hours and part-time teaching assignment exceed 40 hours worked in a week, the employee must reduce the classified hours worked that week by taking either unpaid leave or paid vacation so that the combined classified and teaching hours worked do not exceed 40 in that week. This option is only available if approved by the employee's immediate supervisor.
 - b. If the combined classified hours and part-time teaching assignment exceed 40 hours worked in a week, the employee can decline the offered part-time teaching assignment.

7. If a part-time faculty position is offered to a classified employee and the hours of teaching would impact the employee's regularly scheduled hours, days, or months of classified employment, the employee must get the written permission of his/her immediate supervisor. This written permission must be submitted to District Human Resources along with the request to utilize the classified employee (see #10 below).
8. In no circumstances shall classified employees be allowed to adjust their regular furlough periods to provide instructional services.
9. Classified employees shall not be allowed to provide instructional services on a voluntary basis.
10. All requests to utilize a classified employee for a part-time teaching assignment shall be submitted to District Human Resources for review and approval. The request to utilize the classified employee shall be submitted in a timely manner to insure that all necessary required FLSA calculations and determinations can be made prior to the employee beginning the part-time teaching assignment.