

This district will follow all requirements set forth in the Fair Labor Standards Act (FLSA). Non-exempt employees covered by the FLSA will be identified and compensated for overtime hours in accordance with this policy. All district supervisors and administrators must ensure that FLSA provisions relating to overtime and hours worked are strictly adhered to, in compliance with federal law.

DEFINITIONS

“Compensatory (comp) time” means time off in lieu of monetary overtime compensation, calculated at one and one-half (1½) hours for each hour worked over forty (40) hours in any one (1) workweek.

“Non-exempt employees” means those employees included in the overtime provisions of FLSA. Additional compensation or compensatory time off will be provided for hours over forty (40) worked during the workweek. Most non-certificated employees are non-exempt employees.

“Overtime hours” means hours worked in excess of forty (40) hours in any workweek, midnight Sunday to midnight the following Sunday.

“Workweek” means five (5) consecutive days during a seven (7) day period. In this district, the regular workweek begins at midnight Sunday and ends at midnight the following Sunday, although a regular work schedule is generally based on a Monday through Friday week.

WORK HOURS

All non-exempt employees shall be scheduled to work forty (40) hours or less per week within the established workweek of midnight Sunday to midnight the following Sunday.

The district is not required by law to provide paid rest breaks. However, regular full-time employees will generally be given the opportunity to take a fifteen (15) minute paid rest break during the middle of the workday, if desired. The supervisor will schedule such breaks so as to not disrupt the workflow. If an employee does not take a rest break during the scheduled time, he or she is not allowed to use this as “make-up time.” An employee may not use the rest break to adjust his or her work hours and come in late or leave early on either a daily or weekly basis.

Non-exempt employees are given a minimum thirty (30) minute unpaid lunch break, which the supervisor will schedule so as to not disrupt the workflow. If required to work during the lunch break, employees will be paid or will receive comp time. Employees must receive supervisor approval before working through a lunch break.

OVERTIME

Non-exempt employees who work in excess of forty (40) hours in any workweek shall be paid one and one-half (1½) times the regular hourly wage or given compensatory time equal to one and one-half (1½) times the overtime hours actually worked, as defined in this policy. Overtime payments or comp time accrual shall be computed on the basis of hours actually worked during a single workweek, as recorded on the employee's timecard. Holidays, vacation, sick leave, emergency leave, and other hours paid but not worked are not hours worked for the purpose of overtime calculation.

Overtime hours shall not be used routinely to complete regular job responsibilities. A non-exempt employee will be allowed to work hours in excess of the employee's scheduled hours only upon the written prior approval of his or her immediate supervisor, except in the case of a documented emergency. In the event of an emergency, the employee must make a reasonable attempt to obtain prior approval from his or her supervisor for the overtime. If prior approval cannot be obtained, the employee must notify the supervisor that excess hours were worked and the nature of the emergency during the employee's next regularly scheduled shift.

Any employee who works unauthorized overtime will be subject to disciplinary action, which may include suspension without pay and/or termination, as determined appropriate.

The supervisor may adjust an employee's work schedule for the remainder of the workweek to prevent the total number of hours for that workweek exceeding the number of hours regularly worked.

The employee must submit verification of the additional hours worked to the supervisor and payroll clerk at the end of each payroll period in which the additional hours were worked.

OVERTIME COMPENSATION

A non-exempt employee who has worked more than forty (40) hours in a workweek will have the choice of receiving:

1. "Comp time" accruing at the rate of one and one-half (1½) hours for each hour worked over forty (40) hours in a workweek; or
2. Overtime payment at the rate of one and one-half (1½) hours for each hour worked over forty (40) hours in a workweek.

All comp time must be used within sixty (60) calendar days from the date earned unless prior approval is obtained from the immediate supervisor. Comp time not used within sixty (60) calendar days shall be submitted for payment. Any comp time not used by June 30 of each year shall be submitted for payment.

RECORDS

All non-exempt employees covered by this policy are required to maintain a daily time log showing actual hours worked. The employee and his or her immediate supervisor must sign the time log on a monthly basis, acknowledging that the work hours set forth are true and accurate. Employees will be compensated for overtime or will accrue comp time based on the completed time log. Failure to maintain accurate logs, or falsification of such logs will be grounds for disciplinary action. No supervisor shall knowingly allow an employee to work unreported overtime to avoid overtime payments.

The district will maintain all payroll records for at least three (3) years. Such payroll records include any documentation (electronic or hard copy) on which wage computations are based, including, but not limited to, timesheets, work schedules, and records of additions to or deductions from wages.



LEGAL REFERENCE:

Fair Labor Standards Act
29 CFR Section 541, et seq.

FIRST READING: June 11, 2007
ADOPTED: July 9, 2007