

8.2.1 – OVERTIME, LEAVE OF ABSENCE, AND COMPENSATORY PAY FOR EMPLOYEES SUBJECT TO THE FAIR LABOR STANDARDS ACT

Purpose

The purpose of this policy is to ensure that the Van Buren School District (the "District") complies with the minimum wage, overtime pay, compensatory pay, and record keeping requirements of the Fair Labor Standards Act (FLSA) of the United States. The FLSA requires that overtime be paid to non-exempt employees either in the form of monetary compensation or compensatory time at the rate of 1.5 times the regular hourly rate of pay for the number of hours worked in *excess of 40 hours per week*.

Exempt Employees

Certain employees are exempt from coverage under the FLSA and are not subject to compensation for overtime work. Exempt employees include executive, administrative, and professional employees such as teachers, counselors, supervisors, and administrators. Employees or supervisors who are unsure if an employee is exempt from coverage shall consult with the District's Administration.

Covered Employees

All employees in the job classifications listed below are non-exempt employees and are therefore covered under the FLSA:

- Assistant Teachers (Aides)
- Bookkeepers
- Bus Drivers
- Custodians
- Food Service Workers
- Maintenance Personnel
- Receptionists
- Secretaries
- Transportation Staff
- Non-Teaching Staff (no teaching certificate required)

Some employees who work in the above areas may be exempt from coverage if they have supervisory responsibilities or if they are otherwise exempt under the FLSA.

Employment Relationships

An employment relationship is not created between student teachers or students and the District.

An employment relationship is not created between the District and individuals who volunteer or donate their time to the District as a public service without contemplation of pay.

The hiring of off-duty policemen or deputies on a part-time basis by the District for crowd control or for security purposes does not create a joint employment relationship between the District and the employer of the policemen or deputy. The District is separate and distinct and acts entirely independent of other governmental entities.

A joint-employee relationship does not exist between the District and any entity contracted to provide transportation services, security services, or other services.

Hours Worked

The workweek for the District begins on Monday and ends on Sunday. Each employee subject to the FLSA shall be paid for all hours worked. Compensable time includes all time that an employee is required to be on duty.

Hours worked shall be accurately recorded by each employee in the manner provided by the District. Employees shall record the exact time of arrival and departure from work. Employees are expected to arrive and depart at or about the time specified by the District unless requested to work overtime by his or her supervisor. All overtime shall be recorded by each employee by time sheet or by time clock.

All non-exempt employees will sign in at the first site where they begin working and sign out at the end of the day at the last site where they are working. They will also sign out for meal periods and other instances in which they are not working.

Supervisors and/or building-level principals shall review, approve, and each time record or sign-in sheet weekly.

All employees must sign in for themselves. Any employee who clocks in or out or signs in or out for another employee will be dismissed. Any employee who asks another employee to clock in or out or sign in or out for him or her will be dismissed.

Every non-exempt (classified) employee will review and report to his supervisor or building-level principal any discrepancies in their time records. Every non-exempt employee is required to sign his time sheet verifying that the time sheet reflects a true and accurate record of hours worked that pay period.

Breaks and Meal Periods

The District is not obligated or required to provide meal periods, but will provide two (2) fifteen minute breaks per day for employees who work more than twenty (20) hours per week.

Meal periods in which employees are not relieved of duty are compensable. Those employees with bona fide meal periods shall be completely relieved of duty for the purpose of eating a regular meal and shall be free to leave the work site during this period. Employees having bona fide meal periods may eat in a school cafeteria or in a break area at a work site; however, the employee shall not engage in any work for the District during this period except for a rare and infrequent emergency.

Basic Monetary Requirements

Employees subject to FLSA shall be paid not less than the current minimum wage.

Overtime Pay

Generally, employees subject to FLSA shall be paid not less than 1.5 times his or her regular rate of pay for all hours worked over 40 in a workweek. For those employees working two or more jobs for the District, overtime pay shall be calculated on the basis of a blended hourly rate on all jobs worked calculated by dividing the total amount of remuneration received in a work week by the total hours worked in that work week. The employee shall be paid one-half of the blended hourly rate times the number of hours worked over 40.

Overtime pay due an employee shall be computed on the basis of the hours worked in each workweek and the overtime compensation earned by an employee shall be paid on the next regular payday for the workweek in which the overtime was worked. Overtime or compensatory pay may not be waived by an agreement between employer and employees.

The granting of compensatory time off in lieu of paying overtime pay is permitted provided compensatory time is awarded on a one-and-one-half time basis for each hour of overtime worked. The District reserves the right to grant compensatory time in lieu of paying employees monetary compensation. The supervisor and employee must have a written agreement or understanding that the employee will receive compensatory time before the work is performed. *The employee may accumulate a maximum of 40 compensatory time hours per year.* The employee must take the compensatory time when it is agreeable with the supervisor.

Regular Rate of Pay

Any overtime pay will be based on the employee's regular rate which will include all remuneration for employment. For those employees paid a simple hourly rate the overtime will be based on that hourly rate. For those employees paid on a salary basis, the monthly salary will be reduced to its hourly rate equivalent. Employees shall be paid for each and every hour worked.

Authorization for Overtime Work Required

Each District employee responsible for the supervision of employees subject to the FLSA shall, prior to permitting any overtime work, receive authorization from the Supervisor.

Non-exempt employees who work overtime/compensatory time without prior approval must be allowed to claim the hours worked in accordance with the FLSA. If the supervisor determines that the work was unforeseen or emergency in nature, it should be approved. If the supervisor determines that the performance of the work was unnecessary at the time it was performed, the hours worked must be paid to the employee, but disciplinary action must be taken for failure to follow established policy.

Record Keeping

The Superintendent shall require all records on wages, hours, and other items listed in the record keeping regulations (29 CFR Part 615) to be kept by the business office for the time specified by the FLSA.

The Superintendent or his or her designee shall secure a sufficient quantity of the minimum wage posters. One poster shall be displayed in each District work site.

Enforcement

District employees shall, at all times, cooperate with authorized representatives of the Department of Labor who may visit a work site for the following reasons:

1. to investigate and gather data concerning wages, hours, and other employment practices;
2. to enter and inspect premises and records;
3. to question employees to determine whether any person has violated any provision of the FLSA.

District employees responsible for supervising employees subject to FLSA who willfully violate the terms of this policy shall be subject to disciplinary action by the District.

Non-Exempt Employee Leave Requests

All non-exempt (classified) employees are required to submit a leave form when they are absent from work. The leave form must reflect the reason for the absence and it must fall within current Van Buren School District Board Policy. Any leave outside of board policy requires prior approval of the board. It is the responsibility of the employee to submit a leave form, prior to the requested leave if possible, or in the event of an unforeseen or emergency leave, the form is to be completed the day the employee returns to work.

All payment for leave is entered into the time records (non-worked hours) from the leave forms. If an employee fails to submit a leave form, or is late submitting the form it could delay or cause payment for the leave not to occur.