

OVERTIME COMPENSATION

Professional Staff/Support Staff Time Schedules

The Division Superintendent will establish daily time schedules for all classifications of employees to insure the most effective use of personnel time and operation of the school system. Such schedules will be addressed in the annual contracts or letters of agreements with personnel.

While a normal workweek will be considered as 40 hours (or an 8-hour day, with 30 minute lunch included), employee contracts or letters of agreement may specify different hours required by different job descriptions.

The *Fair Labor Standards Act (FLSA) of 1938*, as amended in 1985 to cover State and local governmental bodies, has defined uniform conditions under which compensation or payment will be made for hours worked in excess of the defined workweek. The purpose of this policy is to inform all employees of these conditions so that uniformity can be established throughout the Bath County School System.

The following definitions will apply in administering this regulation:

“Exempt” employees – are those who, on the basis of the work they perform, are exempt from the provisions of the FLSA. Specifically exempted are administrative, supervisory (including food service supervisor, cafeteria manager, maintenance supervisor, transportation supervisor, and business manager), and instructional personnel.

“Non-exempt” employees – are those support staff individuals employed in a position that is covered by the overtime provisions of the FLSA. This includes, custodial, secretarial, maintenance, food service, bus mechanics. Non-exempt employees must be paid overtime or compensatory time as specified in this policy.

“Hours worked” shall mean all hours and minutes in which the employee is required or allowed to perform duties for the benefit of the school system. Hours paid but not worked, such as holidays, sick, personal, or vacation leave or compensatory time used will not count toward overtime calculations. Unpaid absences are not considered as time worked when calculating overtime.

“Workweek” is defined as the seven-day period between 12:00 AM on Sunday through 11:59 PM on the following Saturday.

“Overtime” is defined as time worked with supervisory permission in excess of the number of hours called for in the full-time (40 hours per week), basic weekly work schedule. Part-time non-exempt employees are eligible for overtime for hours worked in excess of 40 hours per week.

“Combination Job” employees may be utilized in more than one position at differing rates of pay. When overtime pay is granted payment will be at the rate of the overtime work.

General Information

Overtime work shall not be permitted except when absolutely necessary. It is the responsibility of the employee supervisor to plan and schedule work so that it can be performed within the regular scheduled hours. Overtime hours must be approved by the employee supervisor before they are worked. Employees who work unauthorized overtime will not receive compensation and may be subject to discipline.

Weekend building checks, snow removal, etc. by custodians and other staff are governed by the maintenance department and/or the building principal in regard to approved overtime hours and overtime pay. The building principal must approve, in advance, any additional overtime hours for building checks.

A record of approved overtime should be kept in each department and/or school. It is the responsibility of each employee to accurately record all hours worked on his or her time sheet. It is the department's responsibility to keep the record of all hours worked. The time record must be submitted to and approved by the supervisor prior to being submitted to the Payroll Department.

Compensation Procedures

If a non-exempt employee works more than 40 hours in a workweek, his or her supervisor must approve the compensation of hours worked over 40 with one of the following: 1) compensatory time earned; or 2) overtime pay.

Overtime compensation in the form of compensatory time earned shall be given at the rate of one and one-half (1.5) hour for every hour worked over 40 hours or in the form of overtime pay at the rate of one and one-half times the regular rate of pay for all overtime hours. Each workweek stands alone.

Compensatory time must be used before vacation or other paid leave is used.

Compensatory time earned may be taken whenever it is mutually agreeable with the employee and supervisor. Time off should be given during the same pay period in which the overtime hours were worked. An eligible employee shall not accrue more than 40 hours of compensatory time. Compensatory time not used at the time of termination, resignation, or retirement will be paid at the employee's final regular rate of pay.

Record Keeping

Detailed, accurate records of overtime pay and/or compensatory time approved and used by employee. This is the responsibility of the administrator/supervisor at the school and department levels. Approval, in advance, of compensatory time related to a specific task should be recorded on BSBO 36a. BSBO 36b should be used to schedule the use of approved compensatory time.

Posting of Notices

A notice explaining the requirements of the FLSA should be posted in a conspicuous place in every facility where employees work.

Legal ref: 29 USCA Sec. 201 et seq. (Fair Labor Standards Act)

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