

## Overtime Procedures

7.12-1  
(04-07-03)

### Introduction

7.12-1.1

The U. S. Supreme Court decision in Garcia v. San Antonio Metropolitan Transit Authority, et. al. (February, 1985) extended requirements of the Fair Labor Standards Act (FLSA) to employees of state and local governments. Congress in 1985 amended portions of the FLSA in the Fair Labor Standards Amendment of 1985. These amendments applied to state and local government employees so that employee overtime may be compensated by granting time off rather than requiring payment.

The FLSA establishes minimum wage, overtime pay, and recordkeeping requirements for employees covered by the Act. Some employees excluded from the FLSA provisions by virtue of an executive, administrative, or professional exemption. Generally, the FLSA requires that employees not exempt from the provisions of the Act be compensated at the rate of one and one-half time for hours worked in excess of the maximum established work cycle established for the employee under the FLSA. The Act does not require that an employee earn overtime for hours worked in excess of eight per day or for work on Saturdays, Sundays, or holidays. The Act does require that hours worked in excess of the maximum number of hours for the established work cycle be compensated at the rate of one and one-half times.

### Definitions:

7.12-1.2

1. Nonexempt Employees: Those employees subject to the wage and overtime provisions of the FLSA. All paraprofessionals employed by Windham School District are classified as nonexempt.
2. Exempt Employee: Those employees not subject to the provisions of the FLSA because they meet certain executive, administrative, or professional criteria. Teachers, supervisors, counselors, and administrators employed by Windham School District have been classified as exempt.
3. Overtime (nonexempt employees): Those hours an employee is required to work in excess of the maximum number of hours permitted by the FLSA for that employee's established work cycle.
4. Overtime (exempt employees): Exempt employees do not accrue overtime.
5. Comp Time (exempt employees): Those hours an employee is required to work on normally scheduled days off (not to exceed eight hours per day). Such employees are entitled to equivalent time off.
6. Overtime Compensation Rate (nonexempt employees): The overtime compensation for nonexempt employees shall be credited at the rate of one and one-half the time worked and must be taken in actual time earned. The maximum overtime accrual allowed is 240 hours (30 days). Once the maximum overtime accrual limit is reached, the employee must be compensated monetarily for overtime worked in excess of the accrual limit.

### Provisions Relating to Nonexempt Employees

7.12-1.3

1. Schedules Work Cycles: Nonexempt employees shall work 40 hours per week. The work cycle for nonexempt employees shall be seven consecutive calendar days with no more than 40 scheduled work hours. The work cycle shall be set from Thursday at 12:01 a.m. through the following Wednesday at midnight. If a nonexempt employee is required to work at Windham

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administratively schedule activities such as graduation ceremonies and the prison art show, the employee must be given time off during the work cycle to insure that no more than 40 hours are worked.

Example: A principal's secretary worked Thursday and Friday, accruing a total of 16 hours. The secretary also worked during the graduation ceremonies on Saturday for another 8 hours. By the end of Tuesday, a total of 40 hours had been accrued. The secretary did not work on Wednesday, the last day of the work cycle and thus only worked a total of 40 hours during the work cycle.

2. Hours Worked: Any paid leave or holidays taken are not counted as hours worked in determining overtime hours. In situations in which the employee has not physically worked more than the maximum hours in a work cycle, but the combined total of hours worked and hours of paid leave or paid holidays exceeds the maximum number of hours for the appropriate work cycle, the employee shall be entitled to equivalent compensatory time off for the excess hours.

Recordkeeping Provisions Relating to Nonexempt Employees

7.12-1.4

1. Time Recording: Each unit/department shall maintain a daily record of hours worked. Normally scheduled work hours actually worked shall be indicated in actual or partial hours. Any deviation from the normally scheduled hours (e.g. time worked beyond that normally scheduled) must also be recorded in actual hours or partial hours (increments of no less than 15 minutes). It is the responsibility of principals and department heads to know and maintain the hours their employees worked. Special attention must be taken to insure that nonexempt employees are not working excess hours without prior authorization and thereby creating a potential liability.

2. Excess Hours: Any hours worked in excess must have prior approval by the Superintendent or designee and must be recorded on the monthly time sheets.

3. Overtime Hours: When a nonexempt employee earns overtime, time taken off must be reported on an Absence From Duty Report Form marked as "Other", and an explanation entered in "Comments" stating that overtime was used.

Provisions Relating to Exempt Employees

7.12-1.5

1. Work Cycle: The work cycle for all exempt employees shall be seven consecutive calendar days with no more than 40 scheduled work hours. The work cycle shall be set from Thursday at 12:01 a.m. through the following Wednesday at midnight.

2. Comp Time Compensation: All exempt employees shall accrue compensatory time for time worked (not to exceed 8 hours per day) on normally scheduled days off. Exempt employees are entitled to equivalent time off. Exempt employees may not be paid for any unused comp time.

Recordkeeping Provisions Relating to Exempt Employees

7.12-1.6

Exempt employees may accrue compensatory time with the approval of their immediate supervisor for Windham administratively schedule activities such as graduation ceremonies, the prison art show, and

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recreation special events.

No exempt employee shall accrue compensatory time for any other reason without prior approval from the Superintendent or designee. An IOC requesting approval to work in excess of the contracted days must be submitted to the office of the superintendent. If approval is granted, the personnel department will record compensatory time earned on the appropriate forms and will credit the individual with time earned.

Other Provisions and Explanations

7.12-1.7

1. Administrators and supervisors who, in performing their normal duties on regular work days, work in excess of an 8 hour day are not eligible for requesting hour-for-hour overtime.
2. Teachers who are placed in a position of having to work in excess of the number of days required under their annual contract must have prior approval of the Superintendent or Deputy Superintendent of Schools.
3. All personnel requesting a claim for compensatory time to attend conferences and/or workshops held on weekends, legal holidays, or vacation time must have prior approval of the Superintendent or Deputy Superintendent of Schools.

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