WORKSHEETS for the district policy committee:
DISCARD WHEN FINISHED

BP 4253 – CLASSIFIED PERSONNEL - OVERTIME PAY/COMPENSATORY TIME OFF

Note: The Fair Labor Standards Act (FLSA) is a federal law that requires certain "covered" employees who work more than 40 hours a week in a seven-day period to be paid at one-and-a-half times their basic hourly rate for the time they work over 40 hours. Covered employees include most nonteaching, nonadministrative employees, such as cafeteria workers, bus drivers, and paraprofessionals. Teachers, administrators, and other professional employees are exempt from the law. Covered employees cannot waive, or give up, their rights to overtime under the FLSA. A violation of the law can result in criminal and civil penalties.

The School Board is committed to compliance with the overtime pay, compensatory time, and record-keeping requirements of the Fair Labor Standards Act (FLSA). The FLSA requires that overtime be paid to nonexempt employees either in the form of monetary compensation or compensatory time, as described below 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.

1. Covered employees. Employees in the following job classifications are covered under the FLSA: assistant teachers, bookkeepers, clerks, custodians, food service workers, maintenance personnel, receptionists, secretaries, bus drivers, mechanics, and security personnel. This list of job classifications is not exhaustive. Some employees in the above positions may be exempt from coverage if they have supervisory responsibilities and their supervisory duties exceed 50 percent of their work time or for other reasons.

2. Exempt employees. Certain employees are exempt 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 the ~~district's~~ Superintendent or designee.

(cf. ~~BP~~ 4151/4251/4351 Salary Guides - Exempt Employees)

3. Hours worked. The district's workweek begins on Sunday and ends of Saturday. Employees are expected to arrive and depart at or about the time specified by the district, unless requested to work overtime by their immediate supervisor. Covered employees shall accurately record hours worked during each week, including the exact time of arrival and departure from work and all overtime, by time sheet or time card. Supervisors and principals shall review, approve, and submit all time sheets or time cards to the payroll office by the established deadline prior to each pay period.

4. Overtime pay. Employees covered by the FLSA shall be paid no less than 1.5 times their regular rate of pay for all hours worked over 40 in a week. 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 ~~by a formula set by the district.~~by the employee that, when combined, exceeded 40 hours in the week.

5. Compensatory time. The district reserves the right to grant compensatory time in lieu of paying employees monetary compensation. Prior to employees' overtime work, the district and employees must agree to compensatory time arrangement. Employees may accumulate a maximum of 240 compensatory time hours while employed by the district. Employees must get their supervisor's approval on when to take the compensatory time and must take the time off during the pay period immediately following when it was earned, if possible.

6. Authorization for overtime required. Employees shall not work overtime without prior permission from their immediate supervisors, except in cases of emergency. Each employee responsible for the supervision of employees subject to the FLSA shall receive authorization from the Superintendent or designee prior to authorizing overtime.

7. Overtime work without prior approval. Employees covered by FLSA who work overtime without prior approval will 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 will be approved. If the supervisor determines that the performance of the work was unnecessary at the time it was performed, the employee will receive pay for the hours worked, but disciplinary action may be taken for failure to follow established policy.

8. Record keeping and posters. All records on wages, hours, and other items listed in the record-keeping regulations will be kept by the business office for the time specified by the FLSA. The district will display minimum wage posters at each district work site where employees will be likely to see them.

Legal Reference:

ALASKA STATUTES

23.40.070 Declaration of policy (PERA)

UNITED STATES CODE

Fair Labor Standards Act 29 U.S.C. 201-216

Department of Labor Regulations 29 C.F.R. Parts 511-800

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AASB Policy Reference Manual