

Compensatory Time Off – Educational Support Personnel – Non Represented Employees

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, [29 U.S.C. §201 et seq.](#), and (2) are not represented by an exclusive bargaining representative.

Compensatory time, in lieu of monetary overtime compensation, may be granted at a rate of one and one-half hours of compensatory time for each hour of overtime worked. “Overtime” is defined as time worked in excess of 40 hours in a single workweek. Compensatory time-off is time during which the employee is not working and is, therefore, not counted as “hours worked” for purposes of overtime compensation. Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. The non-exempt employee should designate the method of compensation prior to performing the overtime work.

Compensatory time earned must be used at a time that is mutually agreeable to the non-exempt employee and supervisor.

Employees shall not be allowed to accumulate more than thirty (30) hours of comp time without using a portion of the time as time off or requesting compensation for all or part of it. Any employee who accumulates thirty (30) hours of comp time must use it in the same school year as it was worked and earned.

If an employee accrues the maximum number of compensatory time-off hours, the employee: (1) is paid for any additional overtime hours worked, at the rate of one and one-half times the employee’s regular hourly rate of pay, and (2) does not accumulate compensatory time-off until the employee uses an equal amount of accrued time-off.

An employee who has accrued compensatory time-off shall be permitted to use such time in at least half-day components provided such requests do not unduly disrupt the District’s operations. The employee’s supervisor must approve a request to use compensatory time-off prior to the employee utilizing the time.

Any leftover comp time will be paid out to the employee in the last payroll check in June. The District’s workweek is defined as 12:00 a.m. Sunday to 11:59 p.m. Saturday.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Implementation

The Superintendent or designee shall implement this policy in accordance with the FLSA. In the

event of a conflict between the policy and the FLSA, the latter shall control.

LEGAL REF.:

Fair Labor Standards Act, [29 U.S.C. §201 et seq.](#); [29 C.F.R. Part 553](#).

CROSS REF.: [5:35](#) (Compliance with the Fair Labor Standards Act), [5:185](#) (Family and Medical Leave), [5:270](#) (Employment At-Will, Compensation, and Assignment)

APPROVED: May 31, 2011