

Load/Scheduling

The Governing Board believes that a teacher's primary responsibility is to teach, and that the teacher's energies should, to the extent possible, be utilized to that end. Therefore, the Governing Board agrees, within reasonable limits (to be specified in administrative regulations), to provide the necessary services so that teachers will be relieved of nonteaching duties that can be better performed by clerical or custodial personnel.

Wage and Hour Law

Applicability. The District is subject to the federal Fair Labor Standards Act (FLSA), including the regulations relating thereto, and state law regulating the payment of wages. The District is committed to meeting all of its obligations arising from these wage and hour laws and requests the cooperation of its employees in achieving this objective.

District obligations. The District shall compensate all employees who are not exempt from the wage and hour provisions of the FLSA (hereinafter "nonexempt" employees) at (1) an hourly rate at least equal to federal minimum wage for each hour worked in a workweek up to and including 40 hours; and (2) an hourly rate equal to at least one and one-half times their regular hourly rates for all hours worked in excess of 40 hours in a workweek (subject to the "occasional or sporadic" exception set forth herein). In addition, the District shall make, keep, and preserve accurate records regarding its employees' wages, hours, and conditions of employment.

Employee categorization. An "exempt" employee is one who is not subject to the minimum wage and overtime provisions of the FLSA. A "nonexempt" employee is one who is subject to the minimum wage and overtime provisions of the FLSA. The classification of an employee as "exempt" or "nonexempt" is based upon the duties and responsibilities actually performed by the employee and shall be made by the District in accordance with the guidelines set forth in the federal statutes and regulations concerning the two categories of employees. Although the categorization shall be made on an individual basis with regard to each employee, in general, employees whose primary duties are of a professional, executive, or administrative nature will be "exempt" employees, while most other employees will be "nonexempt" employees. In almost all circumstances, the District's certificated personnel will be categorized as "exempt" employees and are not, in such capacity, subject to the minimum wage and overtime compensation provisions of the FLSA.

The District recognizes, however, that there are circumstances in which a certificated employee may be employed in another capacity for the District and may, in such capacity, be categorized as a "nonexempt" employee. A certificated District employee

acting in a nonexempt capacity shall be subject to the provisions regarding overtime, time records, and on-call time set forth herein.

"Workweek" defined. The workweek of a District employee is considered to be the seven consecutive calendar days between 12:00 a.m. each Sunday and 12:00 midnight, the following Saturday.

Overtime. The District recognizes that there are occasions on which a certificated District employee, acting in a nonexempt capacity, may be expected to work overtime; however, these occasions should be determined in advance by a supervisor, based upon the supervisor's assessment of the circumstances, rather than upon an individual employee's belief that overtime work is required. In this regard, a certificated employee, working in a nonexempt capacity, may not work more hours than the employee is scheduled to work in a workweek without explicit prior consent by the employee's supervisor. The District also recognizes the fact that an emergency situation may arise that may result in the certificated employee working overtime. In such case, the certificated employee should make an attempt to obtain authorization. If the certificated employee is unable to get prior authorization, the certificated employee must inform the supervisor as soon as possible of the emergency situation. A certificated employee, working in a nonexempt capacity, who works in excess of the number of hours that the employee is scheduled to work in that capacity without explicit prior consent by the employee's supervisor, except as noted above, is subject to disciplinary action, in accordance with District policies and regulations.

Time records. A certificated District employee, working in a nonexempt capacity, is expected to keep time records of the hours worked for the District in such capacity. "Hours worked" for the District and "work hours" include (1) all scheduled hours when the employee is actually present for work or actually performing services for the District, whether on District premises or elsewhere; and (2) all unscheduled hours when the employee is performing services for the District. All District employees who are required to record their work hours must do so accurately and honestly. An employee should not record hours that the employee has not actually worked, nor should an employee refrain from recording hours that the employee has actually worked. The failure on the part of employees to accurately report the number of hours worked on the time records may constitute the falsification of a public document, punishable by criminal prosecution. An employee who does not accurately and honestly record the time worked on the employee's time records is subject to disciplinary action, in accordance with District policies and regulations.

On-call time. An employee who is required to remain on call on the District's premises, or so close thereto that the employee cannot effectively use this time for personal purposes, shall be considered to be working while on call. As a result, a District employee, working in a nonexempt capacity, will be compensated for this time, and it will be included in the calculation of the hours worked by the employee in a workweek for purposes of determining overtime compensation that may be due. An employee who is not required to remain on the District's premises but is merely required to leave word

where the employee may be reached shall not be considered to be working while on call. Such employee is not entitled to compensation for this time, and it will not be included in the calculation of the hours worked by the employee in a workweek for purposes of determining overtime compensation that may be due.

"Occasional or sporadic" exception. If a District employee undertakes, on an occasional or sporadic basis and solely at the employee's option, part-time employment for the District that is in a capacity different from any capacity in which the employee is regularly employed with the District, the hours such employee is employed in performing the different part-time employment shall be compensated at the regular hourly rate for such services and shall be excluded from the calculation of the hours worked by the employee in a workweek for purposes of calculating overtime compensation that may be due.

Volunteers. A District employee may volunteer to perform services for the District for which the employee will receive no compensation, provided that such volunteer services are not the same type of services that the employee is employed to perform for the District. A volunteer may, under certain circumstances, be paid expenses, reasonable benefits, or a nominal fee without jeopardizing the volunteer status. A District employee who also performs volunteer services for the District is not an employee with regard to the volunteer services performed; therefore, the employee will not be compensated for the calculation of the hours worked by an employee in a workweek for the purposes of calculating overtime compensation that may be due.

Questions. Questions of employees concerning wage and hour obligations and procedures should be directed to the employees' immediate supervisors. Supervisors who need additional information in order to adequately answer employees' questions should direct their inquiries to the District's human resources office.

Interpretation. This policy is not intended to provide, nor should it be interpreted as providing, any rights, benefits, or interests to District employees in excess of those provided in accordance with federal and state law.

Adopted: date of Manual adoption

**G-4861
REGULATION**

**AUSD10
REGULATION
PROFESSIONAL STAFF WORKLOAD**

**GCM-R
REGULATION**

Workday

A workday is generally construed to be a full eight hours' duration for certificated teachers and others who are employed under full-time written contracts and receive payment therefor.

In general, Certificated teachers and others who are employed under part-time contracts, defined as a fraction of full-time employment, shall work the number of hours each day or week equal to the fraction of an eight-hour day or a 40-hour week. For example, a teacher employed on a 3/5 time contract should work 3/5 (or 60%) of the eight-hour day (4.8 hours per day) or of the 40 hour week (24 hours per week). For a middle school teacher, the teacher's workday shall be defined as one sixth (1/6th) of an eight (8) hour day for each class period assigned to the teacher. For a high school teacher, the teacher's workday shall be defined as one fifth (1/5th) of an eight (8) hour day for each class period assigned to the teacher. These computations are based upon the current full time middle school teaching schedule of six (6) teaching periods per day and a full time high school teaching schedule of five (5) teaching periods per day. If these full time schedule standards change at any point in the future, this regulation will be modified as appropriate.

Exact reporting and ending times will be in accordance with the rules and schedules of the individual schools as determined by the appropriate administrative officials.

The Governing Board recognizes the need for balance in the personal and professional lives of its employees. A flexible approach to defining the workday will allow this balance to occur. Principals and other supervisors should recognize that occasion deviations from the professional workday are reasonable and necessary at times, so long at the such deviations do not become excessive or interfere with duties.

School functions and events often extend the workday beyond eight consecutive hours. Specific activities will vary from school to school and outside of the regular duties and responsibilities of the certificated staff member.

In order to recognize the participation of certificated staff in uncompensated, non-voluntary activities, the professional day may vary provided it does not impact instructional duties or the supervision of students.

Each principal shall develop a plan for such activities and events. Such plan must be developed through collaboration of the administration and representatives of the

certificated staff. Each member of the staff will be invited to participate in development of the plan. The plan shall include:

- Events which require the attendance of all certificated staff members.
- Events which require the attendance of some certificated staff members.
- Events at which attendance of certificated staff members is voluntary.
- The rotation of assignments for such activities and events.
- A description of the process used to develop the plan.
- Names of the participants involved in developing the plan.

The plan will be distributed to all certificated staff members at each school and be submitted to the Superintendent or designee within one (1) month of the beginning of the school year.

Duty-Free Lunch Period

Each teacher receives a duty-free lunch period each day. In no case shall it be less than 30 minutes, unless circumstances beyond the control of school officials make such a move necessary in order to care for and properly supervise students. If such circumstances become persistent in nature, scheduling problems should be immediately brought to the attention of the Superintendent or appropriate designee for assistance in resolving such problems.