

OVERTIME

1. Non-Exempt Employees

Except as provided below, employees in positions designated as “non-exempt” will be eligible for overtime compensation as follows:

a. Employees will receive overtime compensation for hours worked in excess of eight hours in one day, with the following exceptions:

- Employees whose normal work schedule is more than eight (8) but not more than ten (10) hours in a day will receive overtime compensation for hours worked in excess of eight forty (40) hours in a day the workweek.
- Employees whose normal work schedule is between eight and ten hours in a day will receive overtime compensation for hours worked in excess of their normal daily work schedule.
- Employees who request chose and are approved for variable workday as provided in NRS 281.100, 3b (2) or variable 80-hour work schedule will receive overtime compensation for hours worked in excess of forty (40) hours in the workweek, for hours worked in excess of 10 hours in any one work day or hours worked over 40 in one workweek if the employee has requested and been approved for variable workday as provided in NRS 281.100(3)(b)(2).
- Employees whose hours are established by a collective bargaining agreement will may receive overtime according to the specific provisions of that agreement.

b. All overtime hours must be specifically authorized in advance by the employee’s administrator or manager/supervisor. Overtime will be compensated at one time and one-half (1.5) times the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the District to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned unless the correct overtime amount cannot be determined until after the regular pay period.

c. Employees who earn overtime may, with the approval of the site administrator superintendent or designee, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s payroll file. Compensatory time will be earned at the rate of one and one half (1.5) hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to thirty (30) hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Compensatory time off is to be taken at the earliest time which is mutually agreeable to the employee and administrator or manager/supervisor. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned If

approved, employees will be allowed to use compensatory time within thirty (30) days of accrual. At any time, the District may pay an employee in cash on any regular paycheck for accrued compensatory time earned and not used at the appropriate rate of pay, or schedule the employee's use of compensatory time at its discretion. The District reserves the right to pay out any and all compensatory time earned at its discretion.

d. Time paid but not worked, such as including sick leave, holidays, compensatory time off, and annual leave, does not count toward hours worked for the purpose of computing overtime hours.

e. It is the responsibility of non-exempt employees who believe their position has been improperly paid for overtime under the FLSA or state law, to seek correction by reporting any error to their administrator or manager/supervisor. An investigation will be conducted on a timely basis and the District will act to correct any errors as soon as practicable.

2. Exempt Employees

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position. Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime. It is the District's policy to comply with all aspects of the Fair Labor Standards Act (FLSA) including its salary basis requirements. Therefore, making any deductions from the salaries of exempt employees which are not allowed by law is prohibited.

Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime.

Exempt employees utilizing intermittent leave under the Family and Medical Leave Act (FMLA) may have their pay deducted, including from sick or annual leave balances, for partial day or hour-by-hour absences.

The District may deduct a partial days' absence from an employee's accrued leave, but not from the employee's pay or salary. Accordingly, if the employee does not have accrued leave and still works part of a day, the employee must be paid their full salary. However, if an employee does not have accrued leave and is absent for a full day then the employer can deduct from the employee's pay or salary for that full day.

For licensed employees covered by the Lyon County Education Association Collective Bargaining Agreement:

Subject to certain exceptions set forth in the FLSA regulations and FMLA, the LCSD has a bona fide Leave policy (GBCA) and may deduct a half days' absence from exempt employees' accrued leave, but not from pay or salary. However, if exempt employees do not have accrued leave or do not qualify to use leave and are absent for a half or full day, then the District can deduct from the employees' pay or salary for that half or full day.

For all other exempt employees:

Subject to certain exceptions set forth in the FLSA regulations and FMLA, the LCSD has a bona fide Leave policy (GBCA) and may make deductions from pay in full-day increments when an exempt employee does not qualify to use leave or does not have accrued leave and is absent from work for one or more full days. Deductions from appropriate leave balances will be made in full-day increments before applying leave without pay provisions.

Deductions will also be made to offset amounts employees receive as jury or witness fees, or for military pay, or for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule/policy/law infractions. The District will prorate an employee's salary based upon the days worked during the initial and terminal pay period of employment.

Any employee who believes that an improper deduction has been made to his/her their salary should immediately report this information to his/her their direct administrator or manager/supervisor, or to the payroll HR/Business department.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, s/he the employee will be promptly reimbursed for any improper deduction made.

Exempt employees are generally expected to be available to perform their job duties during normal school hours, Monday through Friday. It is expected that, in order for exempt employees to complete their assigned work, from time to time it will be necessary that they work beyond the normal work days and business hours of the District. If, however, an exempt employee is working well beyond a 40-hour work week on a regularly recurring basis, the District may examine staffing levels and the employee's work habits and procedures.

The District may choose to recognize an exempt employee for hours worked beyond normal business hours. In recognition of instances when an employee has completed an extraordinary work assignment and spent substantially more than a typical work week to accomplish the job, administrators or managers/supervisors may allow an exempt employee to take limited periods of time off without using accrued paid leave.

The limited periods of time off do not constitute additional compensation to exempt employees on an hour for hour basis for hours worked in excess of forty (40) hours per week. Accordingly, exempt employees will not "accrue a balance" of compensatory leave hours.

3. Collective Bargaining Agreements

Collective Bargaining Agreements with the LCSD may outline other specific compensation processes/procedures not included in this policy.

NOTE: Additional compensation does not void an exempt employees' otherwise exempt status as specifically provided under the FLSA.

Reference: NRS 281.100