

Classification of Positions

The Superintendent or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

Exempt

The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District’s attention, through the District’s complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.

Nonexempt

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 37 or 37.5-hour workweek and shall earn additional pay at the employees’ regular hourly rates when working more than 37 or 37.5 but not more than 40 hours.

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

Workweek Defined

For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday.

Compensatory Time for Nonexempt Employees Not Classified as Auxiliary

At the District’s option, nonexempt employees not classified as auxiliary may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.

Accrual

Compensatory time earned by nonexempt employees who are not classified as auxiliary employees may not accumulate beyond a maximum of 45 hours. If such an employee has a balance of more than 45 hours of compensatory time, the employee will be required to use compensatory time or, at the District’s option, the employer shall pay the employee for the compensatory time.

Use

An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory

time remaining at the end of a duty year, the employee shall receive overtime pay.

Compensatory time may be used at either the employee's or the District's option. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The District may require an employee to use compensatory time when in the best interest of the District.

Compensatory Time
for Nonexempt
Employees
Classified as
Auxiliary

At the District's option, nonexempt employees classified as auxiliary may receive compensatory time off, rather than overtime pay, for overtime work. The employee shall be informed in advance if overtime hours will accrue compensatory time rather than pay.

Accrual

A nonexempt employee classified as an auxiliary employee (i.e., in the following departments: distribution services, transportation, maintenance and custodial services, print shop, food service, and aquatics) shall accrue compensatory time only in accordance with the following:

1. The employee shall agree in writing to accrue compensatory time rather than pay for overtime worked.
2. The supervisor shall approve overtime only for bona fide work or business purposes and shall document the need for overtime work.

Compensatory time shall be available for use only after it is earned. Compensatory time earned by nonexempt employees classified as auxiliary employees may not accrue beyond a maximum of 32 hours.

Use

An employee shall use compensatory time within the duty year in which it is earned. If an employee has any unused compensatory time remaining at the end of a duty year, the employee shall receive overtime pay.

*Use of
Compensatory
Time for
Inclement
Weather*

A nonexempt employee classified as an auxiliary employee shall be permitted to use compensatory time to offset the loss of pay caused by closing school for inclement weather. To exercise this option, the employee shall submit the appropriate paperwork prior to the payroll deadline for the week in which the inclement weather occurred. [See DEC and DED for available leave options]

*Use of
Compensatory
Time for Winter
Break*

A nonexempt employee classified as an auxiliary employee shall work more than eight hours per day during the two weeks of winter break in order to receive a paycheck for a 40-hour workweek; how-

ever, the employee shall be permitted to use accrued compensatory time to offset the need to work more than eight hours each day, subject to the following:

1. The employee shall submit to the chief operations officer a written request demonstrating a hardship to be caused by working beyond the usual eight-hour schedule.
2. To protect the District's ability to carry out its business, approval shall be limited to the first 20 percent of each department's employees making such a request.

[See DED for vacation leave availability]