

**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 up to and including a 40-hour workweek.

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.

**“Standby” Pay**

“Standby” time refers to a period in which an employee who is categorized as nonexempt under the FLSA is not on regular duty but must be available, through a paging device or other means, to immediately respond to emergency calls. A nonexempt employee on “standby” shall receive a designated amount of pay per hour for time spent responding to calls, regardless of the position, unless called out, in which case the employee shall receive “call out” pay, as set forth below.

If the Board, by resolution, chooses to pay nonexempt employees their regular rate of pay, or another amount, during an emergency closure for a disaster as declared by a federal, state, or local official or the Board, such pay is considered “standby” pay. Nonexempt employees who are required to work during the emergency closure shall receive “call-out” or premium pay according to the provisions below for actual hours worked during the emergency closure on days the employee would have been scheduled to work absent the emergency closure, unless otherwise specified in the Board’s resolution. Overtime for time worked over 40 hours in a week shall be calculated and paid according to law. [See DEAB]

The Superintendent or designee shall approve payments and ensure that accurate time records are kept of actual hours worked during emergency closings.

*“Call Out” Pay  
for Employees  
on “Standby”  
Pay*

A nonexempt employee who is called out to respond to an emergency or to perform other unscheduled work outside of his or her regular shift while on “standby” shall be compensated for actual “call out” hours worked at the employee’s regular hourly rate of pay. In accordance with law, an employee who works in excess of 40 hours in a workweek shall receive overtime pay at the rate of one and one-half times the employee’s regular hourly rate for all hours worked over 40. In the event the employee is called out on a school holiday, as specified in this policy, or on a scheduled vacation day, “call out” pay shall be at the overtime rate, regardless of the hours worked.

*“Call Out” Pay for  
Employees Not  
on “Standby” Pay*

An employee who is not on “standby” pay, who is categorized as nonexempt under the FLSA, and who performs “call out” work shall be guaranteed a minimum of three hours’ “call out” pay at the overtime rate, regardless of actual hours worked. An employee shall be deemed to be on “call out” if he or she is off duty and is contacted by the District to report to duty to perform work on an emergency or otherwise unscheduled basis.

*Holiday Pay*

A nonexempt employee who is on a 260-day work schedule shall be compensated at the rate of one and one-half times the employee’s regular hourly rate for the following holidays: New Year’s Day, Easter, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

*Workweek Defined*

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

*Compensatory Time*

At the District’s option, nonexempt employees 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 may not accrue beyond a maximum of 60 hours. If an employee has a balance of more than 60 hours of compensatory time, the District shall require the employee to use the compensatory time, or at the District’s option, the District 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 District shall pay the employee for the compensatory time.

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.