

**Policy Statement #6500 (Personnel) of the Board of Education
Regarding Compliance with the Fair Labor Standards Act (FLSA)**

I. Purpose

- A. To ensure fair compensation for all normal and approved work
- B. To ensure recordkeeping which is in compliance with the Fair Labor Standards Act of 1938 (FLSA) as Amended

II. Definitions

- A. Compensatory time - Paid time off from duty as approved by Calvert County Public Schools for work performed by a non-exempt employee beyond his/her regular work schedule. Non-exempt employees will receive one and one-half (1.5) hours of compensatory time for one hour of overtime worked when the employee works beyond 40 hours in a given work week.
- B. Employee Access Center (EAC) – Web-based database and application that houses employee documents such as leave balances, pay stubs, W-2s, etc. All employees are required to monitor, review, and enter leave requests in EAC.
- C. Fair Labor Standards Act of 1938, as Amended – A federal law that requires employers to pay employees a minimum hourly wage and premium pay for overtime hours, and requires employers to keep records of hours worked
- D. Non-exempt employee – an employee, also designated as a “covered employee,” in one of the following job classifications: instructional assistant, secretary, building service worker, food service worker, maintenance personnel or any other employee not employed in an executive or professional position, including but not limited to administrators and teachers, as determined by the Superintendent or designee in compliance with FLSA
- E. Overtime – hours worked by a non-exempt employee in excess of forty (40) hours in a given work week
- F. Overtime pay - A rate of pay that is one and one-half (1.5) times the employee’s regular rate of pay for overtime worked
- G. Work week (for a non-exempt employee) – Sunday, 12:00 a.m., to the next Saturday, 11:59 p.m.

III. Policy Statement

- A. The Board of Education recognizes the importance of fairly compensating each non-exempt employee at the required rate for all normal and approved work beyond the employee’s assigned work schedule within the work week. Calvert County Public Schools will maintain recordkeeping processes that comply with the Fair Labor

Standards Act, including the non-exempt employee's choice of receiving additional pay or compensatory time for work performed beyond his/her regular work schedule.

IV. Delegation of Authority

- A. The Superintendent is directed to develop administrative procedures to implement this policy in accordance all local policies and local, state and federal laws and regulations, and to communicate this policy and accompanying procedures to all relevant parties.

V. Exceptions

- A. There are no exceptions to this policy. However, the Board, by majority vote, may temporarily suspend all or part of this policy. Suspension of all or part of this policy, however, in no way relieves the Board of its obligation to comply with the pertinent local, state and federal laws and regulations or the rules and regulations of the Maryland State Board of Education and the Maryland State Department of Education.

VI. Review

- A. This policy will be reviewed at the end of three years, or sooner, if approved by majority vote of the Board of Education in public session.

VII. Effective Date

- A. This policy is effective August 12, 2021.

Citations

State Law: Title 3, Subtitles 4 & 5, Labor & Employment Article of the Annotated Code of Maryland
State Reg.:
Federal Law: Fair Labor Standards Act of 1938, as Amended; 29 U.S.C. 201 et seq.
Adm. Reg.: 29 C.F.R. 500, et. seq.
Neg. Agr.:
Other Citation: