

SUPPORT STAFF OVERTIME

Admin. Reg. HRS-41
January, 2017~~August, 2010~~

- I. **Purpose.** To establish the basic structure for the BCSD's compliance with the Fair Labor Standards Act ("FLSA") provisions regarding minimum wage and overtime.
- II. **BCSD Subject to FLSA.** The BCSD District is subject to the provisions of the Fair Labor Standards Act (FLSA), ~~which includes~~ those relating to minimum wage and overtime pay for non-exempt employees, ~~and will maintain records consistent with the requirements of the FLSA.~~
- III. **Superintendent's Expectation.** It is the Superintendent's expectation ~~of the Superintendent~~ not to have any BCSD employee work overtime; ~~however, the Superintendent recognizes it may occasionally.~~ ~~Under unusual and extenuating circumstances, however, it may~~ be necessary for non-exempt employees to work more than forty (40) hours during a given work week. BCSD employees shall be paid time and a half, in money or compensatory time off, for each hour of overtime worked. No overtime, as defined by the FLSA, shall be required or permitted without prior written authorization of the employee's immediate supervisor. Those non-exempt employees who have received pre-authorization in writing by their principal or the Superintendent, Chief Administrative and Human Resource Services Officer, Chief Instructional Services Officer, or Chief Financial Officer to work overtime will be paid time and a half, in money or compensatory time off, for each hour of overtime worked. The Superintendent does not permit any other overtime. No other overtime, as defined by the FLSA, ~~is permitted by the District.~~
- IV. **Review and Record Keeping.** Once a year, the BCSD Chief Finance and Operations Officer ("CFOO") or his/her designee ~~Office of Finance~~ may conduct an ~~unannounced~~ review of some or all BCSD employee ~~the~~ overtime records, as maintained by one (1) or more BCSD Principal(s) and/or supervisor(s) as kept by each District principal and Chief Officer. Employees subject to FLSA ~~the provisions of the FLSA are required to~~ shall complete a daily time record showing actual hours worked. ~~It is the responsibility of each employee's supervisor to ensure proper time records are completed.~~ Failure to maintain such records or falsification of such records may ~~will~~ be grounds for disciplinary action, up to and including dismissal from employment. Employees who are required to maintain a time record and who fail or refuse to record their entire hours worked will not receive compensation for any unrecorded time worked.
- V. **Minimum Wage.** The BCSD shall pay a minimum wage ~~paid~~ on an hour by hour basis to all BCSD employees ~~support staff~~, full-time or part-time, permanent and regular or temporary, at will be no less than the approved rate as determined by the federal government, established minimum wage established by federal law, except under designated training and apprenticeship programs exempt pursuant to special U.S. Department of Labor certification ~~those in authorized but exempt training and apprenticeship programs.~~

VI. **Work Week.** A work week ~~shall~~will be a continuous period of 168 hours in the form of seven (7) consecutive 24-hour periods. -The BCSD~~District~~ work week begins at 12:01 a.m. each Monday for all employee~~support staff~~ and runs for seven (7) consecutive days. Each work week stands alone for the purpose of determining overtime pay for non-exempt employees.

VII. **Hours Worked.** Hours worked means all hours during which the employee~~individual~~ is required to be on duty, ~~which is~~ generally from the required starting time to normal stopping time. -Meal periods do not count as hours worked unless the employee~~individual~~ is required to perform work duties during the meal period. -Break periods of twenty (20) minutes or longer do not count as work time.

A. Travel. Ordinary travel time from home to a base location or vice versa is not work time. -Official travel ~~that occurring~~occurrences during an employee's~~individual's~~ regular work~~ing~~ hours will be considered hours worked.

B. Leave. Time taken for annual leave, sick leave, ~~vacation leave~~, bereavement leave, leave without pay, or other leave taken for the purpose of jury duty, ~~or~~ military assignment, or due to a death in the family shall~~will~~ not be counted as time worked and is therefore not counted as compensable time for the purpose of determining overtime pay.

C. Part-Time in Different Capacity. If individuals are employed by the BCSD~~District~~ in one capacity but voluntarily work part-time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary capacity will not be counted as hours worked for overtime purposes.

D. Substitution in Same Capacity. Employees, at their own option but with the prior, written approval of the Superintendent, or his/her designee, ~~Chief Administrative and Human Resource Services Officer, Chief Instructional Services Officer, or Chief Financial Officer~~, may substitute during scheduled hours for other BCSD employees employed in the same capacity. -Such substitution must be undertaken voluntarily without direct or implied coercion by the BCSD or any employee thereof~~District~~. -In the case of such substitution, the hours involved shall not be credited to the substitute employee for the purposes of overtime compensation. ~~will not be credited to the substitute employee in the calculation of hours for which the District employee is entitled to overtime compensation.~~ -The administrator ~~who~~authorizinged the substitution ~~shall~~will maintain a record ~~that~~the substitution has taken place.

VI. **Overtime Hours.**

A. Overtime hours ~~shall~~will be held to a minimum consistent with the needs and requirements of sound and orderly administration of the BCSD~~District~~ and in compliance with this administrative regulation~~policy~~. -All overtime hours worked by non-exempt employees ~~shall~~must be scheduled and authorized in writing prior to the time the work is to be performed, except in the case of an emergency as approved by

~~the Superintendent or his/her designee pursuant to the provisions of this policy.~~
Unauthorized overtime ~~shall~~will not be tolerated.

- B. ~~With respect to the payment of overtime in money or compensatory time off, the~~The Superintendent and/or the ~~Chief Administrative and Office of Human Resources Officer Services will shall~~ have the discretion to determine ~~whether an employee shall receive money or compensatory time off as overtime compensation, he method of payment to choose.~~
- C. When an employee in a single work week works at two (2) or more different types of work for which different straight-time hourly rates have been established, the employee's regular rate for that week is the weighted average of such rates. ~~In~~ determining a weighted average of rates, the earnings from all such rates are added together, and this total is then divided by the total number of hours worked at all jobs.
- ~~C.D.~~ Holidays during a work week do not count in the computation of pay at an employee's overtime rate. For example, if a 40-hour non-exempt employee works two (2) additional hours during a week which includes one (1) holiday, the employee is entitled to his/her regular rate of pay for the two (2) additional hours and would not be paid at his/her overtime rate.

VIII. Compensatory Time Off.

- A. Non-exempt employees who work more than 40 hours during any work week may be awarded compensatory time off ("comp time"). ~~Comp time shall~~will be awarded at the rate of one and one-half hours for each hour of overtime worked during a given work week.
- B. Comp time may be accrued up until 48 hours, which is 32 overtime hours only. Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's normal hourly rate of pay. Contemporaneous with the ~~Upon~~ submission of authorization for monetary payment to an employee for overtime worked, the employee's supervisor who authorized the overtime shall principal or Chief Officer must provide the CFOO, or his/her designee, Office of _____ with an accompanying written statement explaining the reason(s) and necessity for the employeesupport staff member accruing overtime beyond above 32 hours.
- C. Every effort will be made to permit the use of comp time on a schedule at a time mutually agreed upon by the employeeindividual and his/her supervisor; however, where the employee'sindividual's absence would unduly disrupt the operations of the BCSD or the employee's schoolDistrict's or school's operations, the BCSD shall system retains the right to postpone or reschedule comp time usage and/or monetarily compensate the employee.
- D. The BCSDDistrict requires ~~that~~ employees taking compensatory time to schedule

compensatory time in ~~minimum~~ increments of no less than one-half work day, unless the employee does not accrued or does not have remaining four (4) comp time hours.

- E. All comp time must be used within the fiscal year in which it is earned, i.e., from July 1 through June 30, excepting comp time accrued between June 1 and June 30 of a fiscal year approved in accordance with this Administrative Regulation. Such accrued comp time shall be used no later than August 1, of the fiscal year in which the comp time is accrued.
- F. Time off ~~later~~ for working on an official BCSDDistrict holiday will not be considered compensatory time off but as a delayed holiday. ~~Non-exempt e~~Employees who are required to work on an announced holiday will be given equal time off within the same fiscal year.

IX. Termination. EmployeesIndividuals with unused comp time who are terminated or who otherwise separate from employment will be monetarily paid for unused comp time at one and one-half times their final regular rate of pay.

X. Volunteers. A volunteer is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, and/or a nominal fee to perform the services for which the individual volunteered and such services are not the same type of services which the individual is employed to perform for the BCSDDistrict.

XI. Students. Vocational students performing work as part of a curriculum are students and not employeesworkers. Students helping in office capacities for short periods of time are volunteers and not employees.

XII. Record Keeping. The following records ~~shall~~must be maintainedkept for each non-exempt employeesupport staff member:

- A. ~~(1) n~~Name;₅
- B. ~~(2) E~~Employee number;₅
- C. ~~(3) H~~Home address;₅
- D. ~~(4) S~~sex;₅
- E. ~~(5) O~~ccupation in which employed;₅
- F. ~~(6) T~~ime and day on which his/her workweek or work period begins and length of the work period;₅
- G. ~~(7) r~~Regular rate of pay for any work week or work period;₅
- H. ~~(8) h~~Hours worked each day and each work week or work period;₅
- I. ~~(9) t~~Total daily, weekly, or work period straight-time earnings;₅
- J. ~~(10) o~~vertime excess compensation;₅
- K. ~~(11) t~~Total additions to or deductions from wages paid each pay period;₅
- L. ~~(12) t~~Total wages paid each pay period;₅ and
- M. ~~(13) d~~Date of payment and the pay period covered by the payment.

XIII. Records Retention.

A. The following records ~~shall be maintained~~~~must be kept~~ for a minimum of ~~three (3)~~ years:

1. ~~(1) p~~ Payroll records;
2. ~~(2) e~~ Certificates, agreements, plans, and notices such as written agreements, memoranda summarizing the terms of oral agreements, etc.;
3. ~~(3) s~~ Sales and purchase records.

B. The following records ~~shall be maintained~~~~must be kept~~ for a minimum of ~~two (2)~~ years:

1. ~~(1) s~~ Supplementary basic records;
2. ~~(2) b~~ Basic employment and earnings records;
3. ~~(3) w~~ Wage rate tables;
4. ~~(4) w~~ Work time schedules;
5. ~~(5) o~~ Order, shipping and billing records;
6. ~~(6) r~~ Records of additions to or deductions from wages paid; and
7. ~~(7) r~~ Records which explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.

Adopted: July, 2001

Revised: May, 2005; August, 2010; January, 2017

Legal References:

- A. United States Code, as amended
 1. 29 USC 201-216 - Fair Labor Standards Act,
- B. Code of Federal Regulations
 1. 29 C.F.R. Parts 511-800