

PERSONNEL

Classified Personnel: Overtime

A. Definitions

1. Eligible Employees

All classified personnel, except those holding exempt positions, are covered by this Regulation and the corresponding Policy. Specifically excluded are administrative and instructional personnel.

2. Work Week

The work week for determining overtime compensation for eligible employees shall be a regular workweek commencing Saturday, 12 midnight, and continuing for 168 consecutive hour's (7 consecutive 24-hour periods) until 11:59 p.m. on the following Saturday.

3. Overtime Hours

Overtime hours for determining overtime compensation are defined as those hours actually worked for which the regular hourly rate of compensation is received which exceed forty hours during the seven-day workweek.

A.B. General Guidelines

1. The authorization and control of overtime work is the direct responsibility of the administrative staff. Overtime assignments are permitted only when required by operation necessity ~~and without which the normal operation of the department or school cannot continue.~~ Non-exempt employees who are voluntarily allowed to work beyond forty (40) hours in a work week are engaged in compensable working time. Administrators must ensure that employees do not perform unauthorized overtime work and ensure all hours worked beyond forty (40) hours in a workweek are compensated as overtime. Employees shall not voluntarily work additional hours without prior approval of their supervisors. Failure to obtain such prior approval may result in disciplinary action.
2. Authorization for overtime work must be granted by the Superintendent department head or designee ~~at the request of the building principal or department head~~ and may only be granted for non-exempt employees. In cases of emergency, the supervisor in charge shall have authority to assign the overtime to relieve the emergency. In these instances, the emergency and the resulting overtime shall be reported to the department head as soon as possible, but no later than the next working day.
3. Overtime hours for determining overtime compensation generally are defined as those hours worked (excluding lunch hour) which exceeds forty (40) hours during the seven-day workweek. For purposes of this Regulation, hours worked includes professional leave, court leave for School Division business, ~~leave taken using compensatory time,~~ and mandatory duty hours worked. The regular workweek commences on Saturday at 12 midnight and continues for 168 consecutive hours (7 consecutive 24-hour periods) until 11:59 p.m. on the following Saturday.
4. Overtime work amounting to less than seven (7) minutes on a regular workday shall not be compensated. Overtime work amounting to eight (8) minutes or more shall be

recorded to the nearest quarter hour. (NOTE: A supervisor shall not habitually keep his or her employees several minutes late.)

5. Eligible non-exempt employees shall be compensated with pay at one and one-half times the regular hourly pay for all overtime hours actually worked which are beyond forty (40) hours in a work week. In lieu of monetary payment for overtime, the supervisor may allow the employee to elect compensatory time, which should also be calculated at one and one-half times the hours actually worked which are beyond forty (40) hours. Eligible non-exempt employees ~~shall~~may not ~~carry a balance~~maintain an accrual of more than sixty (60) hours of compensatory time for overtime worked. ~~The employee will receive monetary compensation for all unused compensatory time from one (1) fiscal year to the next if approved by the Superintendent or designee~~ Any employee who accrues sixty (60) hours of compensatory time off shall, for additional overtime hours of work in excess of sixty (60) hours, be paid overtime compensation.
6. Upon termination from employment or change in eligibility status, unused compensatory time shall be paid to non-exempt employees in accordance with the Fair Labor Standards Act.
7. Overtime compensation ~~may~~shall not be waived by any agreement between the ~~employee and the employer~~School Board and an employee.
8. An employee must devote his or her attention to the requirements of the full-time job. Non-exempt employees shall only be employed in one School Board position with one exception: if the employee's work hours are less than forty (40) in a seven-day period, that employee will be permitted to work a part-time job for any additional hours until the total of both jobs reaches forty hours. The acceptance of a second job with the School Board is prohibited if the maximum total combined hours is more than forty (40) hours ~~in a per~~ workweek for both positions inclusive.
9. All employees covered by the Fair Labor Standards Act must sign in and sign out. Sign in and sign out sheets must show the actual time reporting to work, any time taken for meal breaks or leave, the actual time the employee stopped working that day, and any time worked outside of the scheduled work hours. Failure to record time or falsification of time records may result in discipline up to and including dismissal.

B.C. Special Pay

1. Emergency Duty

Emergency Duty is defined as duty performed during hours other than those within the normal work schedule and for the purpose of responding to emergencies requiring immediate attention. Emergency duty requires the employee involved to be available for immediate contact by authorized alerting personnel and to be able to personally report to the emergency location or other designated location within one (1) hour of original notification.

2. Eligibility for Emergency Pay

Non-exempt employees of certain class specifications who are designated by name by the Chief Operations Officer for Division Services to be available during a designated time period outside of the employee's normal working hours shall be eligible for emergency pay. Employees actually recalled to work to perform emergency assignments shall be credited with a minimum of two (2) hours pay and will be compensated in accordance with the School Division's Overtime Policy. To be eligible for such compensation, the employee must arrive at either the regular work site or the site of the emergency after having left at the end of the employee's working day.

C.D. Mandatory Work Required on a Holiday

Non-exempt employees who are required to work on any day designated as a school division holiday shall be compensated at the rate of one and a half their normal hourly rate for each hour worked.

E. Voluntary Services

The volunteering of services by the employee as a "nonpaid" volunteer to perform the same type of work that is performed as a "paid" employee shall be prohibited. The determination of whether the two types of work are the same shall be made by the Chief Human Resources Officer or designee. It shall be the employee's responsibility to notify his/her supervisor prior to volunteering his/her services for any School Board activity.

D.F. Reporting Procedure

Non-exempt employees must keep accurate daily records of hours worked, must sign their completed Time Record/Timesheet, and must have their supervisor sign their approval. This record must include the employee's names, employee's identification number, and the number of hours for which compensation is due. Timesheets must include actual: 1) reporting time; 2) ending time; 3) meal breaks; 4) time away from work duties; and 5) any time worked by the employee outside of the scheduled work hours. Failure to record time or falsification of time records may result in discipline up to and including dismissal.

Legal Reference:

The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.*

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