

SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC** Revised **3/13**

Purpose: To establish the basic structure for district compliance with the Fair Labor Standards Act (FLSA) provisions regarding minimum wage and overtime.

The board recognizes that the district is subject to the provisions of the Fair Labor Standards Act. This Act includes provisions applicable to school districts relating to minimum wage and overtime pay for non-exempt employees.

The district will pay a minimum wage on an hour-by-hour basis to all district employees, either part time or full time, permanent or temporary which is no less than the federal minimum wage, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

The board also recognizes that it may occasionally be necessary for non-exempt persons to work more than 40 hours during a given work week. Individuals will 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, will be required or permitted without authorization from the employee's immediate supervisor.

The district requires all employees who are subject to the provisions of the FLSA to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.

The administration will maintain records and establish regulations which are consistent with this policy and the requirements of the Fair Labor Standards Act.

Adopted 2/2/98; Revised 3/4/13

Legal references:

- A. United States Code:
 - 1. Fair Labor Standards Act, 29 U.S.C. 201-216
- B. Department of Labor Regulations:
 - 1. 29 C.F.R. Parts 511-800
- C. United States Supreme Court:
 - 1. *Garcia v. San Antonio Metropolitan Transit Authority*, 105 S.Ct. 1005 (1985) – Minimum wage and overtime hours provisions of the federal FLSA applied to state and local government employees.
- D. 4th Circuit Court:
 - 1. *Purdham v. Fairfax County School Board*, 637 F.3d 421, 427 (2011)