

**Resolution 2016-10**  
**COLORADO SPRINGS SCHOOL DISTRICT 11**  
**with**  
**THE EDUCATION SUPPORT PROFESSIONALS**

Whereas the Board of Education having considered the implications of the Fair Labor Standards Act (FLSA) to our Education Support Professionals;

Whereas having duly considered the federal law, specifically pertaining to the calculation of overtime and compensatory time in order to ensure the District is in compliance with such laws;

Now, Therefore, the Board of Education of the District hereby adopts revisions to the Education Support Professional Handbook Article 4.4 and Article 17.6.

The following are additions, changes, and deletions to the Education Support Professional Handbook. The revisions noted below will be effective beginning October 18, 2015.

**4.4 OVERTIME/COMPENSATION TIME**

Should it be necessary for an employee to work beyond his/her regularly scheduled hours, the employee shall be compensated as the Fair Labor Standard Act requires. All ESP (non-exempt) employees shall record all time worked.

**4.4.1** "Hours worked" is defined as all time during which an employee is necessarily required to be on the employer's premises on duty or at a prescribed work place. Paid holiday hours and paid district closure hours will be considered hours worked for purposes of overtime calculation. Unpaid holiday hours, unpaid district closure hours, vacation and sick time hours will not be considered hours worked.

"Supervisor" is defined as a Principal, Professional/Administrator at the manager level or above or others designated in writing by a Division Head.

"Overtime" is defined as any work performed in excess of 40 hours in one work week.

The established workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday.

**4.4.2** When an employee earns overtime, the employee may choose to take it as overtime pay or as compensatory time in lieu of overtime pay (so long as the employee is not over the max comp time balance of 60 hours as referenced in section 4.4.3).

Overtime pay is calculated as one-and-one-half times of the employee's base rate and will be paid to the ESP (non-exempt) employee when work is performed in excess of 40 hours in one week. The 40 hour threshold is based on actual hours worked in the week. If the employee works in more than one position when earning overtime, the overtime rate must be a recalculated base rate.

**4.4.3** Compensatory time off may be taken in lieu of overtime compensation at a rate of not less than one and one-half hours for each hour worked in excess of forty (40) hours in a workweek.

Compensatory time begins accruing on January 1 of each calendar year and must be used by December 31 of that same calendar year. NO more than sixty (60) hours of compensatory time can be accrued at any one time.

Any compensatory time not used by December 31 of the calendar year in which it was accrued will be paid out at the straight time hourly rate. Upon termination or resignation, any compensatory time balance is payable to the ESP (non-exempt) employee on the final paycheck.

A mutual agreement will be made between the Supervisor and the employee regarding the time to use the compensatory time. In the event mutual agreement cannot be reached, the situation will be reviewed and decided by the Executive Director of Human Resources or designee.

#### **4.4.4 FLEX TIME**

Any Education Support Professional (ESP) may utilize flex time, within the defined seven (7) day workweek. Flex time cannot be carried over across multiple weeks.

Flex time is a variable schedule and must be approved by the employee's immediate supervisor prior to "flexing" their schedule.

- For example, an employee's normal schedule is 8:00 a.m. to 5:00 p.m. With supervisor approval, the employee can come in early at 7:30 a.m. and then flex his/her time and leave at 4:30 a.m. that same day.
- Or, an employee's normal schedule is 7:00 a.m. to 3:00 p.m. With supervisor approval, the employee works until 5:00 p.m. The employee can then use that flex time on a separate day within the same designated workweek to work from 7:00 a.m. to 1:00 p.m.

#### **4.4.5 TIME REPORTING**

All employees must maintain a monthly time sheet. At the conclusion of each pay period, employees must sign the time sheet and submit it to their supervisor for approval.

These records are used to calculate employees pay and paid time off balances. It is very important that they are accurate and complete. Nonexempt employees are expected to submit accurate and complete time records reflecting all hours worked. Employees should contact their supervisors with any questions about how their pay is calculated.

Nonexempt employees must take a full uninterrupted thirty (30) minute lunch period. Notify your supervisor immediately, if your lunch is shorter than thirty (30) minutes or if your lunch is interrupted by work.

#### **4.4.6 HOLIDAYS**

Holiday pay is available only to 260 day employees. The value of a holiday is equal to the typical hours worked per day and up to a 40 hour workweek (i.e. 8 hour work day equals 8 hour holiday; 10 hour work day equals 10 hour holiday).

Employees who work 5 days at 8 hours per day will work as follows during a holiday work week.

- One holiday in the workweek – Employee will work 32 hours
- Two holidays in the workweek - Employee will work 24 hours
- Three holidays in the workweek - Employee will work 16 hours
- Four holidays in the workweek - Employee will work 8 hours

Employees who work 4 days at 10 hours per day will work as follows during a holiday work week.

- One holiday in the workweek – Employee will work 30 hours
- Two holidays in the workweek - Employee will work 20 hours
- Three holidays in the workweek - Employee will work 10 hours
- Four holidays in the workweek - Employee will work 0 hours

ESP employees who work 260 days receive holiday pay. Holidays for these employees are considered hours worked for purposes of overtime calculation.

ESP employees who work between 185 and 259 days receive no holiday pay. Holidays for these employees will not be considered hours worked for purposes of overtime calculation.

Campus Security Officers or positions that are safety sensitive under the Security Department will be paid holidays.

**4.4.7** When an employee is called out to work, he/she will receive two hours minimum from the time the employee leaves home. This shall be called "Call Out Pay." This pay will be at straight time unless working these hours causes the employee to work more than forty (40) hours in that week. In that case, the employee shall be paid time and one-half for the actual hours worked.

**4.4.8** Upon separation, approved compensatory time shall be paid for compensatory time earned.

## **17.6 PROFESSIONAL LEARNING COMMUNITY (PLC) AT ELEMENTARY SCHOOLS**

Effective 2015, the following guidelines are provided for the implementation of professional learning communities at all D-11 Elementary Schools:


- 1.** Instructional ESP employees are required to participate and collaborate in the PLC meetings. An instructional ESP employee who attends the PLC meetings must identify the additional time on their timesheet pursuant to Article 4.4.5. Each school/site is required to maintain attendance for each ESP employee's participation in PLC.
- 2.** Collaboration should be the dominant theme in PLC meetings.
- 3.** Agendas should be developed in collaboration with staff and kept on file at the site.
- 4.** Meetings will maintain a "teaching - learning" focus.

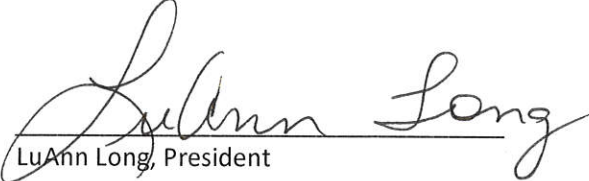
In witness whereof, I have hereunto set my hand and caused the official seal of the District to be affixed to this Resolution this 14<sup>th</sup> day of October 2015.

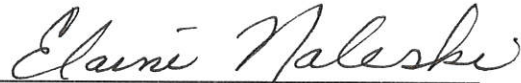
BOARD OF EDUCATION

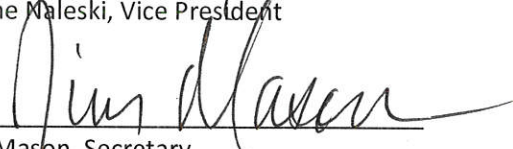
  
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