

PROCEDURE-OVERTIME AND/OR COMPENSATORY TIME - FLSA COMPLIANCE 5221P

To comply with the Fair Labor Standards Act (FLSA) and the laws and rules of the State of Washington, the following procedures shall be established:

1. Exempt or non-exempt status

All certificated staff are exempt from the forty (40) hour work week. The District will determine the status of classified employees based upon the criteria established for defining executive (WAC 296-128-510), administrative (WAC 296-128-520) or professional (WAC 296-128-530) status and any additional FLSA standards.

2. Work week

Seven (7) consecutive twenty-four (24) hour periods make up the work week. Staff members are entitled to one and one-half (1-1/2) times the regular rate of pay for all hours worked in excess of forty (40) hours per week. A staff member may elect to take compensating "time off" (straight time) in lieu of overtime pay. After April 15, 1986, compensating "time off" shall be at the rate of one and one-half (1-1/2) times the overtime hours worked or the staff member may accumulate up to sixteen (16) hours of compensating time (10.67 hours worked beyond 40 hours) at which time the staff member must either take compensating "time off" or receive pay for such excess hours. Time slips and records shall be maintained for all non- exempt staff members. Staff members shall not perform any work during lunch periods or before or after work hours regardless of the voluntary nature of their work. Staff members who violate this regulation are subject to disciplinary action.

3. "Compensatory time" may only be offered in lieu if overtime payment pursuant to:

- a. Applicable provisions of collective bargaining agreement, memorandum of understanding or any other agreement between the District and employee groups, or
- b. In the case of employees not covered by (a), an agreement or understanding arrived at between the employer and employee before the performance of overtime work.
- c. State law requires the employee to request "comp time" in lieu of overtime payment and the employer may not condition the assignment of overtime work on the employee taking such compensatory time in lieu of overtime pay.
- d. The employer must allow such accumulated "comp time" to be used within the pay period if the use of the "comp time" does not unduly disrupt the operation of the District.

4. Supervisors of employees of the District who are covered under the FLSA should adhere to the following procedures:

- a. A copy of an employee's scheduled work day and week should be given to the employee, with a copy forwarded to Personnel, on or before September 1 of each year.
- b. Whenever possible, the employee's work schedule should remain within the forty (40) hour work week (i.e., if for some reason an employee works nine hours one day, he/she should work seven hours one day during that week). Time should be reported accurately on the time slip.
- c. All overtime must be authorized by the supervisor before being worked. If overtime is authorized and if the employee requests comp time in lieu of overtime pay, the attached

form should be filled out with one copy forwarded to payroll with time slip of pay period earned and a copy to payroll once the comp time is taken. Payroll must have a record that during pay period “comp time” was provided at the employee’s request.

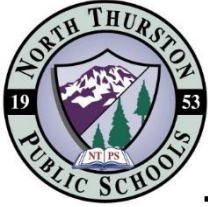
- d. “Comp time” may be accumulated up to sixteen (16) hours and should be used within the pay period or as close as possible without having the effect of disrupting the operations of the work site.

5. Volunteers

The FLSA 1985 amendments provide that the term “employee” excludes “any individual who volunteers to perform services for a public agency.” In order to qualify as a volunteer, the following conditions must be met:

- a. The individual receives no compensation or is only paid expenses or is only paid expenses or a nominal fee to perform services for which he/she volunteered; and
- b. Such services are not of the same type which he/she is employed to perform for the District.

An individual who satisfies the definition of a volunteer does not fall within the ambit of the FLSA and therefore he/she is not covered by the minimum wage or overtime provisions of the act.



NORTH THURSTON PUBLIC SCHOOLS

Request for Overtime and/or Compensatory Time

Employee Name: _____ Position: _____ Location: _____

I am requesting _____ hours of overtime for the following reasons:

Date(s) hours will be worked: _____

Is this a holiday? Yes No

Choose one:

_____ The employee will be paid time and one-half according to the appropriate collective Bargaining agreement.

_____ The employee has requested time and one-half compensatory time in lieu of overtime pay.

List these dates below:

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Budget Code: _____

Rate of Pay: _____

Employee Signature

Supervisor's Signature

Date

Date

Executive Director/Designee– Human Resources Services

Executive Director/Designee -

Financial

Date

Date

Legal References:	FLSA of 1985 RCW 49.46.130	Minimum Rate of Compensation for Employment in Excess of Forty hour Work Week – Exceptions
	49.46.120	Chapter Establishes Minimum Standards and is Supplementary to Other Laws – More Favorable Standards Unaffected
	WAC 180-44 296-128-550 296-128-560	Teachers' Responsibilities Regular Rate of Pay Compensating Time Off in Lieu of Overtime Pay
Implemented:	March 17, 1986	
Reviewed:	October 20, 2009	North Thurston Public Schools Board of Directors
Reviewed:	October 18, 2016	North Thurston Public Schools Board of Directors