

## Overtime Payment

### *Non-Exempt Employees*

Pursuant to the Fair Labor Standards Act (FLSA), all non-exempt employees shall be eligible for overtime compensation at a time and one-half rate. Department heads will have the authority to schedule and manage overtime within the allotted budget and within any policies adopted by Fargo Public Schools. The principal and/or director shall determine when it is necessary for employees to work overtime hours. A principal or director who anticipates a need for exceptional use of overtime should review the plan with the Officer of Human Capital or Assistant Director and receive written approval prior to assigning overtime hours. Exceptional use of overtime is defined as more than 10 hours of overtime per pay period.

Overtime shall be defined as all hours worked in excess of 40 hours per week in an employee's regular work week. For purposes of calculating overtime, paid time off (with the exception of holiday hours) is not considered "hours worked". If an employee is employed for two or more different positions, which have different rates of pay, the district will calculate the overtime rate by using the weighted average of the multiple rates of pay.

Pursuant to FLSA, time spent in training as required by management is considered as hours worked except for that time an employee spends traveling from home to the training site. This applies to same day travel within city limits. Same day travel time to other cities is considered hours worked only if the employee is required to drive an automobile. Travel that occurs outside of regular working hours as a passenger on an airplane, train, boat, bus, or car and where the employee is free to relax is not considered hours worked.

All overtime must be approved by the department head prior to working the overtime hours. Work which is not requested or approved by a supervisor but occurs must be counted as hours worked. However, an employee may be disciplined for working overtime without prior permission or for exceeding the approved number of hours.

### *Exempt Employees*

Any employee employed in an executive, administrative, or professional capacity as defined by the Fair Labor Standards Act is considered exempt from overtime. Employees classified as exempt are not eligible to receive overtime payment. Such employees are compensated for services on a salary basis (rather than hourly); are not considered to be on a standard 40-hour work week; and are expected to work as long as it is reasonably necessary to fulfill their job responsibilities. Exempt employees, due to the nature of their job duties and responsibilities, do not receive overtime pay.

The Fair Labor Standards Act recognizes, however, that exempt employees may perform non-exempt work and are thus entitled to overtime in emergencies. FEMA regulations also similarly recognize the payment of overtime. Under extremely unusual conditions, when governmental agencies officially declare an emergency within the city or region, exempt employees will receive overtime pay if they are required and authorized to work for or with these agencies. It is

expected that these conditions would be extremely rare and apply only in extraordinary situations.

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