

## **OVERTIME**

### **1. Non-Exempt Employees**

Except as provided below, employees in positions designated as “non-exempt” will be eligible for overtime compensation as follows:

- a. Employees will receive overtime compensation for hours worked in excess of forty (40) hours in one work week. Employees whose hours are established by a collective bargaining agreement may receive overtime according to the specific provisions of that agreement.
- b. All overtime hours must be specifically authorized in advance by the employee’s administrator or manager/supervisor. Overtime will be compensated at time and one-half (1.5) the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the District to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay. Paid overtime will be included in the same paycheck covering the pay period in which the overtime was earned unless the correct overtime amount cannot be determined until after the regular pay period.
- c. Employees who earn overtime may, with the approval of the superintendent or designee, elect to receive compensatory time off in lieu of overtime pay. Requests for compensatory time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s payroll file. Compensatory time will be earned at the rate of one and one half (1.5) hours off for each overtime hour worked. Employees who elect compensatory time off may accrue up to thirty (30) hours. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. If approved, employees will be allowed to use compensatory time within thirty (30) days of accrual. At any time, the District may pay an employee for accrued compensatory time earned and not used at the appropriate rate of pay, or schedule the employee’s use of compensatory time at its discretion.
- d. Time paid but not worked, including sick leave, holidays, compensatory time off, and annual leave, does not count toward hours worked for the purpose of computing overtime hours.
- e. It is the responsibility of non-exempt employees who believe their position has been improperly paid for overtime under the FLSA or state law, to seek correction by reporting any error to their administrator or manager/supervisor. An investigation will be conducted on a timely basis and the District will act to correct any errors as soon as practicable.

### **2. Exempt Employees**

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position. Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime. It is the District’s policy to comply with all aspects of the Fair Labor Standards Act (FLSA) including its salary basis requirements. Therefore, making any deductions from the salaries of exempt employees

**For licensed employees covered by the Lyon County Education Association Collective Bargaining Agreement:**

Subject to certain exceptions set forth in the FLSA regulations and FMLA, the LCSD has a bona fide *Leave* policy (GBCA) and may deduct a half days' absence from exempt employees' accrued leave, but not from pay or salary. However, if exempt employees do not have accrued leave or do not qualify to use leave and are absent for a half or full day, then the District can deduct from the employees' pay or salary for that half or full day.

**For all other exempt employees:**

Subject to certain exceptions set forth in the FLSA regulations and FMLA, the LCSD has a bona fide *Leave* policy (GBCA) and may make deductions from pay in full-day increments when an exempt employee does not qualify to use leave or does not have accrued leave and is absent from work for one or more full days. Deductions from appropriate leave balances will be made in full-day increments before applying leave without pay provisions.

Deductions will also be made to offset amounts employees receive as jury or witness fees, or for military pay, or for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule/policy/law infractions. The District will prorate an employee's salary based upon the days worked during the initial and terminal pay period of employment.

An employee who believes that an improper deduction has been made to their salary should immediately report this information to their direct administrator or manager/supervisor, or to the HR/Business department.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

Exempt employees are generally expected to be available to perform their job duties during normal school hours, Monday through Friday. It is expected that, in order for exempt employees to complete their assigned work, from time to time it will be necessary that they work beyond the normal work days and business hours of the District. If, however, an exempt employee is working well beyond a 40-hour work week on a regularly recurring basis, the District may examine staffing levels and the employee's work habits and procedures.

**3. Collective Bargaining Agreements**

Collective Bargaining Agreements with the LCSD may outline other specific compensation processes/procedures not included in this policy.

*NOTE: Additional compensation does not void an exempt employee's otherwise exempt status as specifically provided under the FLSA.*

**Reference:** NRS 281.100, 608.018