# FAIR LABOR STANDARDS ACT
# (Compensatory Time Procedure)

Choctaw-Nicoma Park School District ("CNP") recognizes that employees may occasionally be required to work beyond their regularly scheduled work hours to meet District operational needs. This policy establishes procedures for the authorization, accrual, documentation, use, and maximum carryover of compensatory time ("comp time") for eligible CNP employees.

**Prior Authorization and Required Documentation**

Compensatory time may be accrued only when the employee has received prior approval from the employee's direct supervisor to work the additional hours, except in an emergency or other circumstance approved by the Superintendent or designee.

All comp time must be requested, documented, and approved using the District's official comp time request form or other official District designated document.

- The employee must complete the official document identifying the date worked, the additional hours worked, the reason for the additional work, and the amount of comp time requested.
- The employee's direct supervisor must review and sign the official document to verify that the work was authorized, that the hours are accurate, and that the comp time accrual is approved.
- Comp time is not considered earned and available for use, until the required official document has been signed by the employee's direct supervisor.
- Employees may not work additional hours or accrue comp time solely at their own discretion.
- In an emergency, the employee shall notify the direct supervisor as soon as reasonably possible and submit the official comp time request document for supervisor signature promptly following the work performed.

**Accrual of Compensatory Time**

Eligible CNP employees may receive comp time only in accordance with District procedures and applicable federal and state wage-and-hour requirements.

- Comp time shall be accrued only for approved additional work hours.
- For nonexempt employees, comp time for overtime hours shall accrue at the legally required rate, generally one and one-half (1½) hours of comp time for each hour worked over forty (40) hours in a workweek.
- Paid leave, holidays, and other non-worked paid hours do not count as hours worked when calculating overtime, unless otherwise required by law.
- Comp time may not be used to avoid the payment of overtime when overtime compensation is required by law.

**Use of Compensatory Time**

Employees are encouraged to use accrued comp time during the same workweek in which it is earned whenever feasible and consistent with District operational needs.

- Employees must request approval to use compensatory time in advance by completing the District's official compensatory time form and submitting it to their direct supervisor. The supervisor must sign the form to approve the request before the employee uses compensatory time.
- Supervisors should make reasonable efforts to approve same-week use when doing so will not unduly disrupt District operations, student services, required staffing, safety, or other essential responsibilities.
- If same-week use is not practical, employees should schedule and use the accrued comp time as soon as reasonably possible.

- The District may require an employee to use accrued comp time at a time determined by the District, consistent with applicable law and operational needs.

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**Maximum Carryover**

At no point may an employee carry a comp-time balance greater than eighty (80) hours, which is equivalent to ten (10) eight-hour workdays. (This will be prorated for employees working less than eight hours a day.)

- The 80-hour maximum applies continuously and is not limited to the end of a pay period, month, semester, fiscal year, or school year.
- Employees and direct supervisors are jointly responsible for monitoring comp time balances.
- Employees nearing the 80-hour maximum must promptly coordinate with their direct supervisor to schedule use of available comp time.
- Supervisors shall take reasonable steps to ensure employees do not exceed the 80-hour maximum.
- Once an employee reaches 80 hours of accrued comp time, the employee may not accrue additional comp time unless the balance is reduced below 80 hours before the additional work occurs.
- Any additional overtime work performed after an employee has reached the 80-hour maximum shall be compensated in accordance with applicable law and District payroll procedures.

**Administration**

The Superintendent or designee shall establish the official comp time request and approval document and any administrative procedures necessary to implement this policy. This policy shall be administered consistently with the Fair Labor Standards Act, Oklahoma law, District payroll procedures, and any applicable employment agreement.

**Glidepath to Compliance**

CNP employees are encouraged to coordinate with their supervisors to use earned compensatory time during the same workweek in which it is earned or no later than the end of the following workweek.

The district's maximum allowable compensatory time balance shall be the equivalent of two weeks of the employee's regularly scheduled work hours, calculated based on the employee's contracted daily hours and regularly scheduled workdays per week. To provide an equitable transition to this limit, the district shall implement the following phased schedule:

- By the end of the 2026–2027 school year, each employee's accumulated compensatory time balance shall not exceed 240 hours (By law FLSA limit of maximum accrual of compensatory time is 240 hours.)
- By the end of the 2027–2028 school year, each employee's accumulated compensatory time balance shall not exceed 120 hours.
- By the end of the 2028–2029 school year and thereafter, each employee's accumulated compensatory time balance shall not exceed the equivalent of two weeks of the employee's regularly scheduled work hours.

During the transition period, supervisors shall work with employees to develop and monitor individual plans for using accumulated compensatory time and meeting each applicable deadline. These plans shall account for employees' existing balances, provide reasonable opportunities to use accrued time, and maintain necessary district operations.

# FAIR LABOR STANDARDS ACT (REGULATION)

In accordance with the policy of the Board of Education, the following regulation shall ensure compliance with the Fair Labor Standards Act within this school district.

1. This district will pay all nonexempt employees at least the federal minimum wage and time and one-half for all hours worked which exceed 40 hours per week, or permit compensatory time off at the rate of one and one-half hours of duty for each overtime hour worked. However, any overtime hours to be credited for overtime pay or compensatory time must be approved in advance by that employee's designated principal or director. Failure to get approval for overtime may result in disciplinary action being taken, which may include termination of employment.

2. This district will inform employees of the law by posting information disseminated by the U.S. Department of Labor.

3. This district shall establish, through separate administrative regulations, the process of time keeping which complies with the Act.

4. The district establishes the following class guide for job classification of exempt and nonexempt employees as defined in the Act:

| EXEMPT PERSONNEL | NONEXEMPT PERSONNEL |
|---|---|
| All personnel in positions that require teacher certification | Custodians |
| | Maintenance Personnel |
| | Secreatries |
| All personnel in positions who are responsible for the evaluation of other employees | Cafeteria Workers |
| | Bus Drivers |
| | Instructional Assistants |

# REPORTING SUSPECTED CHILD ABUSE AND/OR NEGLECT

In accordance with Oklahoma law, any person is required to immediately report suspected cases of physical abuse or neglect involving students under the age of eighteen (18) to the statewide toll-free hotline of the Department of Human Services and local law enforcement. The statewide DHS hotline number is 1-800-522-3511. Any person having reason to believe that a student age eighteen (18) or older is a victim of abuse or neglect shall immediately report the matter to local law enforcement. In addition to the above, every school employee having reason to believe, or receiving an allegation or disclosure, that a student is the victim of sexual abuse, sexual assault, or sexual misconduct shall report the disclosure, allegation or information within twenty-four hours to local law enforcement.

Local law enforcement means a law enforcement agency that is independent of the school district, campus police department and shall not include a school resource officer employed by the school district unless directed by the independent law enforcement agency. When a school resource officer is utilized, the office shall submit a written report describing the circumstances and any actions taken to the independent law enforcement agency. Reports must be made prior to any formal investigation or questioning of the subject of the disclosure or allegation.

No school investigator, administrator or official shall conduct formal interviews of the subject of the disclosure or allegation or engage in disciplinary proceedings until law enforcement has been notified and has had the opportunity to interview the involved parties, unless law enforcement determines that an immediate school response is necessary to protect student safety.

Any school employee with knowledge of a report shall not disclose information identifying the reporting school employee unless otherwise ordered by the court or as part of an investigation by local law enforcement or the State Department of Education.

The board of education fully supports that requirement and has established this policy to facilitate such reporting.

Every teacher, support person, or other employee of this school district shall immediately report any suspected physical, mental, or sexual abuse or neglect of any school student to the Department of Human Services by telephone. The employee shall also inform the building principal who will advise the superintendent that the report was made using Form FFG-E.

"Child Abuse and Neglect" shall include, but is not limited to:

1. Child abuse as defined in Section 843.5 of Title 21 of the Oklahoma Statutes.
2. Sexual abuse or sexual exploitation as defined in Section 1-1-105 for Title 10A of the Oklahoma Statutes.
3. Contributing to the delinquency of a minor as defined in Section 856 of Title 21 of the Oklahoma Statutes.
4. Trafficking in children, as defined in Section 866 of Title 21 of the Oklahoma Statutes.

5. Incest as described in Section 885 of Title 21 of the Oklahoma Statutes.

**REPORTING SUSPECTED CHILD ABUSE (Cont.)**

6. Forcible sodomy, as described in Section 888 of Title 21 of the Oklahoma Statutes.
7. Maliciously, forcibly or fraudulently taking or enticing a child away, as described in Section 891 of Title 21 of the Oklahoma Statutes.
8. Soliciting or aiding a minor child to perform or showing, exhibiting, loaning or distributing obscene material or child pornography, as described in Section 1021.2 of Title 21 of the Oklahoma Statutes.
9. Procuring or causing the participation of any minor child in any child pornography or knowingly possessing, procuring or manufacturing child pornography, as described in Section 1021.2 of Title 21 of the Oklahoma Statues.
10. Permitting or consenting the participation of a minor child in any child pornography, as described in Section 1021-.3 of Title 21 of the Oklahoma Statutes.
11. Facilitating, encouraging, offering or soliciting sexual conduct with a minor, as described in Section 1040.13A of Title 21 of the Oklahoma Statutes.
12. Offering or offering to secure a minor child for the purposes of prostitution or any other lewd or indecent act, as described in Section 1087 of Title 21 of the Oklahoma Statutes.
13. Causing, inducing, persuading or encouraging a minor child to engage or continue to engage in prostitution, as described in Section 1088 of Title 21 of the Oklahoma Statutes.
14. Rape or rape by instrumentation, as described in Sections 1111.1 and 1114 of Title 21 of the Oklahoma Statutes.
15. Making any oral, written or electronically or computer-generated lewd or indecent proposals to a minor child under the age of sixteen (16) as described in Section 1123 of Title 21 of the Oklahoma Statutes.
16. Sexual battery, when committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center, by a person who is eighteen (18) years of age or older and is an employee of a private or public school system.

The reporting obligations under this section are individual, and no employer, supervisor or administrator of a person required to provide information pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any such person who in good faith provides such child abuse reports or information, testifies, or is about to testify in any proceeding involving child abuse or neglect; provided, that such person did not perpetrate or inflict such abuse or neglect. Any such employer, supervisor, administrator who discharges, discriminates, or retaliates against such person shall be liable for damages, costs, and attorney fees. Any person who knowingly and willingly fails to promptly report any incident of child abuse may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor. Any person who knowingly

and willfully makes a false report, or makes a report that the person knows the report lacks factual foundation may be reported by the Department of Human Services to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor.

**REPORTING SUSPECTED CHILD ABUSE (Cont.)**

Any person participating in good faith and exercising due care in the making of a report or any person who, in good faith and exercising due care, allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity from any liability with respect to participation in any judicial proceeding resulting from such report.

A school employee with knowledge that a report has been made shall not disclose information identifying the reporting employee unless otherwise ordered by the court as a part of an investigation by local law enforcement or the Department.

The school district shall post, in a clearly visible location in a public area of the school that is readily accessible to all students, a sign in English and Spanish that contains the toll-free number operated by the Department of Human Services.

Every school employee shall annually sign an attestation acknowledging his or her responsibility to report suspected child abuse or neglect pursuant to state law.

REFERENCE: 10A O.S. § 7101, et seq.
21 O.S. 1981, §846, 847
63 O.S. § 1-120(G)
70 O.S. §1210.162
Atty. Gen. Op. No. 78-202 (Dec. 28, 1978)