

# Emery County School District



## Policy: GEBC—Overtime

Date Adopted: 1 October 1997  
Current Review / Revision: 1 October 1997

The Emery County School District strives diligently to continue to be in full compliance with all state and federal mandates. As part of this effort it is the policy of the Emery County School District to comply fully with all aspects of the Fair Labor Standards Act. Accordingly, the School District has established the following working conditions, and set the following guidelines for all employees.

The School District's policy for overtime is incorporated from the Fair Labor Standards Act (FLSA), 290 CFR Pars 500 to 899, 1991 edition. Management may direct an employee to work overtime. However, to ensure overtime usage is efficient and economical:

- 1) Prior written supervisory approval is required for all overtime worked.
- 2) Record keeping in compliance with district guidelines is required for all overtime worked.
- 3) Verification that there are sufficient funds in the budget to compensate for overtime worked is required.
- 4) The Emery School District overtime year shall be July 1 through June 30.
- 5) Any overtime earned by a FLSA exempt employee is not an entitlement, benefit, nor a vested right.
- 6) Any overtime earned by a FLSA exempt employee shall lapse at the end of the District's annual overtime year.
- 7) Any compensatory overtime earned by a FLSA exempt employee shall lapse when s/he transfers to another agency, terminates retires or otherwise does not return to work before the end of the overtime year.
- 8) The Superintendent may approve overtime for exempt employees, but overtime shall not be compensated with actual payment.

Overtime compensation standards are identified for each position as either FLSA non-exempt, or FLSA exempt. Employees may appeal their FLSA designation to the Superintendent and the School Board concurrently. Further appeals must be filed directly with the United States Department of Labor, Wage and Hour Division.

FLSA non-exempt employees shall be eligible for overtime when they actually work more than 40 hours a week. Lunch periods, break times, personal leave, vacation and holiday time taken within the work period shall not count as hours worked when calculating overtime. Hours worked over two or more weeks shall not be averaged out.

- 1) Non-exempt employees shall sign a prior agreement authorizing management to compensate them for overtime worked by actual payment or time off at time and one-half.
- 2) Non-exempt employees may receive compensatory time for overtime, up to a maximum of 80 hours. Only with prior approval of the Superintendent may compensatory time accrue up to 240 hours. Once employees

reach the maximum, they shall be paid for additional overtime on the pay day for the period in which it was earned.

- 3) Computer Systems Analyst Expert employees shall be eligible for one-to-one compensatory time when they work more than 40 hours in a work period. All other exempt employees shall be eligible for straight compensatory time when they work more than 50 hours in a work period. Leave and holiday time taken within the work period shall not count as hours worked when calculating overtime. Emery School District shall compensate FLSA exempt employees who work overtime by giving them time off. For each hour of overtime worked, an employee shall receive an hour off. Compensatory hours earned in excess of a base of 80 shall be used down to 80.

### **Compensatory Time**

Employees and management shall arrange for use of compensatory time as soon as possible. Management shall encourage employees to use accrued compensatory time within 30 days following the pay period in which it was accrued, as long as taking compensatory time off does not unduly disrupt agency operations or endanger public health, safety or property.

### **Time Reporting**

- 1) FLSA non-exempt employees who work more than 40 hours in a work period must complete and sign a district-approved bi-weekly time sheet. Time sheets developed by the District shall have the same elements of the State approved time sheet. Completion of the time sheet is at District discretion when no overtime is worked during the work period.
- 2) FLSA exempt employees who work more than 80 hours in a work period must record their total hours worked, and/or the compensatory time used on their bi-weekly time sheet.

All hours must be recorded in order to claim overtime. Completion of the time sheet is at District discretion when no overtime is worked during the work period.

### **Hours Worked**

FLSA non-exempt employees shall be compensated for all hours they are permitted to work. Hours worked shall be accounted for as long as the District permits employees to work on its behalf, regardless of the reason for the work. Employees who work unauthorized overtime may be subject to disciplinary actions.

- 1) All times that FLSA non-exempt employees are required to wait for an assignment while on duty, before reporting to duty, or before performing their activities is counted towards hours worked.
- 2) Time spent waiting after being relieved from duty is not counted as hours worked if one or more of the following conditions apply:
  - a) the employee arrives voluntarily before their scheduled shifts and waits before starting duties;
  - b) the employee is completely relieved from duty and allowed to leave the job;
  - c) the employee is relieved until a definite specified time;

- d) the relief period is long enough for the employee to use as employee sees fit.

### 3) On-Call Time

Employees required by the School District to be available for on-call work shall be compensated for on-call time at a rate of 1 hour for every 12 hours the employee is on-call:

- a) time is considered “on-call time” when the employee has freedom of movement in personal matters as long as he/she is available for call to duty;
- b) employees record on-call time as “on-call paid” not as “hours worked” on their time sheet, and shall be paid the following pay period. Any time actually worked during the on-call period is recorded in increments of 15 minutes as “hours worked” in addition to on-call time.

### 4) Standby Time

Employees restricted to “stand-by” at a specified location ready to work must be paid full time or overtime as appropriate. Workers must be paid for stand-by time if they are required to stand by their posts ready for duty, even during lunch periods, equipment breakdowns, or other temporary work shut-downs.

### 5) Commuting and Travel Time

- a) Normal commuting time from home to work and back shall not count towards hours worked;
- b) time employees spend traveling from one job site to another during the normal work schedule shall count towards hours worked;
- c) time employees spend traveling on a special one-day assignment shall count towards hours worked except meal time and ordinary home to work travel;
- d) travel that keeps an employee away from home overnight does not count towards hours worked if it is time spent outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

### 6) Excess Hours

Employees may use excess hours the same way as annual leave or agency management may pay the hours out under one of the following:

- a) paid off automatically in the same pay period accrued;
- b) all hours accrued after 40 hours are paid off;
- c) all hours accrued after 80 hours are paid off.