



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G - Personnel
POLICY TITLE: Overtime, Compensatory Time, and Flexible Work Time
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1. PURPOSE AND PHILOSOPHY

Nebo School District complies with the Fair Labor Standards Act of 1938 (FLSA), as amended, in compensating nonexempt employees when those employees are required to work more than forty (40) hours in a workweek. The Board of Education also recognizes that some nonexempt employees will occasionally need flexibility in the number and scheduling of hours worked each day. Therefore, the Board adopts this policy to outline provisions governing the use of overtime, compensatory time off, and flexible working time, as those terms are defined below.

2. SCOPE

This policy applies only to employees who are not exempt under Section 213 of the FLSA (29 U.S.C. § 213). In general, the provisions governing minimum wage and maximum hours found in Sections 206 and 207 of the FLSA do not apply to “any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)” or to “any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker” under certain conditions. 29 U.S.C. § 213(a)(1) and (17). Such employees are therefore exempt from the overtime requirements of the FLSA. Exempt employees, which in Nebo School District include all certified employees, all members of the management team, and certain classified employees as determined by their job description and/or hiring authorization, are not eligible for overtime pay, compensatory time off, or flexible work time.

3. DEFINITIONS

- 3.1. “Compensatory time,” “compensatory time off,” or “comp time”** means paid time off that is earned and accrued by an employee in lieu of immediate cash payment for employment in excess of forty hours in a workweek. An employee may be given compensatory time off after working overtime hours in a previous week. Comp time is calculated at one-and-a-half (1.5) hours times the number of hours of overtime worked.
- 3.2. “Exempt employees”** are executive, administrative, professional, or computer employees, as defined in the FLSA and described above, including teachers and academic administrators. Exempt employees include all certified employees; all members of the management team; and all classified employees employed in executive, administrative, professional, or

certain computer-related positions as described in Section 2. This policy does not apply to exempt employees.

- 3.3. **“Flexible work time” or “flex time”** means an alternative work arrangement between a supervisor and an employee to allow time off to compensate for additional time worked.
- 3.4. **“Nonexempt employees”** are employees who are not exempt under the FLSA or Section 3.2 of this policy. Nonexempt employees include classified employees who are not employed in executive, administrative, professional, or certain computer-related positions as described in Section 2. This policy applies only to nonexempt employees.
- 3.5. **“Overtime”** means hours worked in excess of forty (40) hours in a workweek.
- 3.6. **“Overtime pay”** is payment to an employee at a rate of one-and-a-half (1.5) times the regular payment rate for overtime worked.
- 3.7. **“Workweek”** means the period of time from Sunday to the following Saturday.

4. PRIOR APPROVAL REQUIRED

- 4.1. An employee must receive approval from his or her supervisor before working overtime (more than forty (40) hours in a workweek). Supervisors may approve an employee’s overtime only when necessary to satisfy urgent or time-sensitive needs of the school, department, or district that cannot reasonably wait until the next workweek. In emergency situations an employee may work overtime without prior approval, but the supervisor must be notified as soon as possible and within the same pay period in which the overtime was worked. Supervisors must assess whether the overtime was necessary and issue counsel or discipline when necessary to correct violations of this policy.
- 4.2. An employee must receive approval from his or her supervisor before using flex time. Supervisors should not approve an employee’s use of flex time if doing so would hinder the efficient operation of school, department, or district business. In emergency situations a supervisor may grant approval for use of flex time after the flex time has been used, but approval must be granted as soon as possible and within the same pay period as the flex time was used.

5. OVERTIME

- 5.1. A nonexempt employee who works overtime will receive either overtime pay as provided in Section 5.3 or compensatory time off as provided in Section 5.4. Overtime pay will be at a rate of one and one-half (1.5) times the employee’s regular hourly rate. Compensatory time will be at a rate of one and one-half (1.5) hours for each hour worked above forty (40) within the workweek.
- 5.2. A nonexempt employee required to work on any Board-approved holiday will receive either overtime pay at a rate of one and one-half (1.5) times the employee’s regular rate or compensatory time at a rate of one and one-half (1.5) hours for each holiday hour worked. The overtime pay will be in addition to the regular rate of pay the employee would have received for not working the holiday, if any. Unless the budget manager gives prior approval for overtime pay, the employee will be compensated through comp time.
- 5.3. Overtime Pay
 - 5.3.1. Consistent with this section, overtime pay may be paid to nonexempt employees who work overtime.
 - 5.3.2. The budget manager must give prior approval for overtime pay.

- 5.3.3. Overtime pay should be approved only when compensatory time is not feasible or is otherwise prohibited under this policy.
- 5.3.4. When approved, overtime pay is paid at a rate of one and one-half (1.5) times the employee's regular rate of pay.

5.4. Compensatory Time

- 5.4.1. A nonexempt employee required to work overtime will receive compensatory time off unless the budget manager gives prior approval for overtime pay. The compensatory time accrues at a rate of one and one-half (1.5) hours for each overtime hour worked.
- 5.4.2. As described in Section 4 of this policy, an employee's supervisor must approve overtime before it is worked. At the time of approval, the supervisor should also notify the employee that the employee will be compensated by receiving comp time rather than overtime pay.
- 5.4.3. Compensatory time must be used in a timeframe agreeable to both the employee and the supervisor, but it must be used within the same calendar year in which the overtime was worked for which the comp time accrued (in other words, by December 31). The supervisor must give prior approval for the use of comp time. All unused comp time will be paid out as of December 31 each year and included in the next paycheck.
- 5.4.4. An employee may not accumulate compensatory time beyond a maximum of two hundred forty (240) hours, or thirty (30) days, whichever is smaller. If overtime is worked beyond the maximum amount of comp time allowed, the overtime will be paid out. Employees and their supervisors should regularly review comp time records to ensure compliance with this policy.

6. FLEXIBLE WORK TIME

- 6.1. Flex time is an occasional, alternative work arrangement between a supervisor and an employee that allows the employee to take time off as compensation for additional time worked when the total amount of time worked does not exceed forty (40) hours in a workweek. For example, if an employee hired to normally work 5 hours per day works 6 hours one day, the employee's supervisor may allow or require the employee to work only 4 hours another day, within the timeframes outlined below, as compensation for the extra hour worked.
- 6.2. Flex time is allowed at the discretion of the employee's supervisor and may be used when an employee is required to work extra hours in a day or to accommodate irregularities in the employee's normal schedule, such as to allow the employee short amounts of time off for doctor appointments, family events, etc. Flex time should not be used in a way that results in employees regularly working more hours than the amount for which they were hired.
- 6.3. For full time employees, the additional time worked and the corresponding time taken off must occur in the same workweek so as not to exceed 40 hours worked in a workweek.
- 6.4. For part time employees, the additional time worked and the corresponding time taken off may cross multiple workweeks within the same pay period, but the total time worked in one workweek may not exceed forty (40) hours.
- 6.5. Use of flex time must be agreeable to both the employee and the supervisor and must not disrupt the normal operations of the school, department, or district.

EXHIBITS

None

REFERENCES

Fair Labor Standards Act of 1938, 29 U.S.C. § 201, et seq., 29 C.F.R. Chapter V
Nebo School District Classified Employee Handbook

FORMS

None

HISTORY

Revised – January 10, 2018. Revised definition of comp time; added computer employees; changed workweek to Sunday to Saturday; removed requirements for timecards and recordkeeping due to implementation of timeclocks; extended time to use comp time to within same calendar year; made technical changes.

Adopted – October 7, 2015.
