

PROPOSED REVISIONS

Classification of Positions

The Superintendent or designee, within guidelines set out in federal regulations, shall determine the classification of positions of employees as “exempt” or “nonexempt” for purposes of compliance with the Fair Labor Standards Act (FLSA).

Exempt

The District shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District’s attention, through the District’s complaint policy. [See DGBA] If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.

Nonexempt

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for up to and including a 40-hour workweek.

It is the goal of the District to hold overtime work to a minimum. When overtime is necessary, a nonexempt employee shall request the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

Workweek Defined

For purposes of FLSA compliance, the workweek for District employees shall begin at 12:00 a.m. Sunday and end at 11:59 p.m. Saturday.

Flextime

Supervisors of nonexempt employees shall ensure that employees perform work during the schedule of hours on duty as outlined in DK(REGULATION). It is often necessary, however, in the course of normal operations, for an employee to be required to work an alternative flex schedule.

A flex schedule is defined as working the same total number of hours per workweek but at different amounts per day. For example, an employee may work ten hours one day and six hours the next. Unless the total amount of hours exceeds 40 hours in a single workweek, no overtime shall be accumulated.

Compensatory Time

AT THE DISTRICT'S OPTION, NONEXEMPT EMPLOYEES MAY RECEIVE COMPENSATORY TIME OFF, RATHER THAN OVERTIME PAY, FOR OVERTIME WORK. THE EMPLOYEE SHALL BE INFORMED IN ADVANCE IF OVERTIME HOURS WILL ACCRUE COMPENSATORY TIME RATHER THAN PAY.

~~It is the goal of the~~ THE District **SHALL** not to permit the accumulation of compensatory time unless extenuating circumstances exist. When a nonexempt employee works more than 40 hours during a workweek, compensatory time off is accumulated at one and one-half times the number of hours worked over 40 hours. Time worked includes actual work performed, exclusive of leaves of absence or other nonwork periods.

All nonexempt employees, including nonexempt employees whose responsibilities includes work in a public safety activity, an emergency response activity, or a seasonal activity, may accrue a maximum of 120 hours of compensatory time off.

~~Compensatory time earned by nonexempt employees whose responsibilities includes work in public safety or emergency response may not accrue beyond a maximum of 480 hours. All other employees may not accrue compensatory time beyond a maximum of 240 hours.~~

Any nonexempt employee who has accrued the maximum number of compensatory time hours shall be paid overtime for additional overtime hours worked in excess of the maximum allowable number.

Use

Any nonexempt employee who has accrued compensatory time off shall be permitted by the employee's supervisor to use such time within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the operations of the District. [See DEC(LOCAL)] The employee and the employee's supervisor are encouraged to use the compensatory time accrued as soon as possible after it is earned. In determining whether to allow an employee to use compensatory time off at the specific time requested, the following factors may be considered:

1. Customary work practices within the District;
2. Normal work schedules;
3. Anticipated peak workloads based on past experience;

COMPENSATION PLAN
WAGE AND HOUR LAWS

DEAB
(LOCAL)

4. Emergency requirements for staff and services;
5. The availability of qualified substitutes; and
6. The District's ability to provide services of acceptable quality and quantity during the time requested without the use of the employee's services.

In the event that such a request cannot be granted within a reasonable period by the supervisor, a request for monetary compensation should be submitted in writing by the employee to the Superintendent or designee for approval.

All accrued and unused compensatory time as of June 30 shall be compensated at the employee's current rate of pay. Under extenuating circumstances, nonexempt employees may be permitted by the immediate supervisor to carry forward no more than 20 hours of compensatory time into the following school year. Any compensatory time carried forward must be used by December 31 of the ensuing school year. Any carried over compensatory time remaining after December 31 of the ensuing school year shall be paid at the employee's current rate.

Termination /
Retirement of
Nonexempt
Employee

Upon termination or retirement of a nonexempt employee, all accrued compensatory time shall be paid at the higher of the:

1. Employee's current rate of pay; or
2. The average regular rate received by the employee for the last three years of employment.

Volunteer Work

Volunteer work that is related to a person's regular job is not considered voluntary and must be compensated appropriately. Supervisors shall ensure that employees are not permitted to volunteer for the same type of services that they are currently performing for the District.