

## **OVERTIME AND COMPENSATORY PAY FOR EMPLOYEES**

### **PURPOSE**

The purpose of this policy is to ensure the Jackson Public School District's compliance with the minimum wage, overtime pay, compensatory pay, and record keeping requirements of the Fair Labor Standards Act (FLSA) of the United States. The FLSA requires that overtime must be paid to non-exempt employees either in the form of monetary compensation or compensatory time at the rate of 1.5 times the regular hourly rate of pay for the number of hours worked in excess of 40 hours per week.

### **EXEMPT EMPLOYEES**

Certain employees are exempt from coverage under the FLSA, and are not subject to compensation for overtime work. Those exempt employees include executive, administrative, and professional employees. Examples include certified professional employees such as teachers, counselors, supervisors, and administrators. Classified administrators are also exempt and include the chief financial officer, director of finance, director of transportation, coordinator of pupil placement, coordinator of instructional TV, director of maintenance, network administrator, coordinator of construction, and security director. Supervisors who are unsure if an employee is exempt from coverage shall consult with the district's legal counsel for a legal opinion.

### **COVERED EMPLOYEES**



### **OVERTIME PAY**

All employees subject to FLSA shall be paid not less than one and one-half times his or her regular rate of pay for all hours worked over 40 in a workweek. Overtime pay due an employee shall be computed on the basis of the hours worked in each workweek and the overtime compensation earned by an employee shall be paid on the next regular payday for the workweek in which the overtime was worked. Overtime or compensatory pay may not be waived by an agreement between employer and employees.

The granting of compensatory time off in lieu of paying proper overtime pay is permitted provided compensatory time is awarded on a one and one half time basis for each hour of overtime worked. The supervisor and employee must have a written agreement or understanding that the employee will receive compensatory time before the work is performed. It shall be the policy and practice of the board of trustees to grant compensatory time instead of overtime whenever possible. The employee may accumulate a maximum of 240 compensatory time hours. The employee must take the comp time when it is agreeable with the supervisor; however, the supervisor's consent should not be unreasonably withheld.

### **REGULAR RATE OF PAY**

Any overtime pay will be based on the employee's regular rate which will include all remuneration for employment. For those employees paid a simple hourly rate the overtime will be based on that hourly rate. For those employees paid on a salary basis, the monthly salary will be reduced to its hourly rate equivalent. Employees shall be paid for each and every hour worked.

### **AUTHORIZATION FOR OVERTIME WORK REQUIRED**

Each district employee responsible for the supervision of employees subject to the FLSA shall, prior to permitting any overtime work, receive authorization from the superintendent or her designee.

### **RECORDKEEPING**

The superintendent shall require all records on wages, hours, and other items listed in the record keeping regulations (29 CFR Part 615) to be kept by the business office for the time specified by the Act.

The superintendent or her designee shall secure a sufficient quantity of the minimum wage posters. One poster shall be displayed in each district work site.

### **ENFORCEMENT**

District employees shall, at all times, cooperate with authorized representatives of the Department of Labor who may visit a work site for the following reasons:

1. to investigate and gather data concerning wages, hours, and other employment practices;
2. to enter and inspect any school district premises and records;

3. to question employees to determine whether any person has violated any provision of the FLSA.

Employers who have willfully violated this law may face criminal penalties, including fines and imprisonment. The term "willful" is defined by the U.S. Department of Labor as "knew or should have known".

District employees responsible for supervising employees subject to the FLSA who willfully violate the terms of this policy shall be subject to disciplinary action by the school district. Any disciplinary action taken by the school district will be in addition to any relief granted an employee by the U.S. Department of Labor or a court of law.

SOURCE: Jackson Public School District, Jackson, Mississippi

DATE: August 20, 1979

AMENDED: July 16, 1990

September 18, 1995

September 18, 2000