

## COMPENSATION GUIDELINES/OVERTIME

### MINIMUM WAGE

The minimum wage paid on an hour-by-hour basis to all school system employees whether full or part time, permanent or temporary shall be equal to the federal minimum wage.

### WORKWEEK

A *workweek* is a continuous period of 168 hours in the form of seven consecutive 24-hour periods. The school system workweek begins at 12:01 a.m. each Monday for all employees and consists of seven (7) consecutive days. Each workweek stands alone for the purpose of determining overtime pay for nonexempt employees.

### WORK SCHEDULES

The work schedule for exempt employees such as principals, teachers and others may vary as to time of reporting and shall continue until professional responsibilities to students, school, and the Livingston Parish School Board are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, extracurricular activities, School Board and School Board Committee meetings may require hours beyond any stated minimum. The Superintendent or his/her designee, consistent with the FLSA and the provisions of this policy, shall define work schedules for nonexempt employees.

### SALARIES

A fixed salary is paid to nonexempt employees for hours worked for forty (40) hours in a workweek. Nonexempt employees who have a work schedule of fewer than forty (40) hours in a workweek shall not be paid overtime compensation unless the employee works more than forty (40) hours in a workweek. Such employees shall be paid their regular rate of pay for time worked up to forty (40) hours.

### PART TIME IN DIFFERENT CAPACITY

If individuals are employed in one capacity, but voluntarily work part time in a different capacity on an occasional or sporadic basis, the hours logged in the secondary voluntary capacity shall not be counted as hours worked for overtime purposes.

### CLASSIFICATION OF EXEMPT OR NONEXEMPT EMPLOYEES

**Exempt** – Employees who are not eligible to receive overtime compensation. These employees are generally salaried employees whose primary duties are directly related to

the management or administrative and business functions within the school system. Learned professionals, such as teachers, are also classified as exempt. Other exempt employees may include, but not be limited to, the Superintendent, supervisors, principals, assistant principals, and department heads.

**Nonexempt** – Employees who are eligible to receive overtime compensation. These employees perform work involving repetitive manual operations, such as maintenance employees, food service employees, janitors and custodians, bus operators, and security personnel. Nonexempt employees may also include office employees who perform non-manual labor, such as secretaries, paraprofessionals, clerks, bookkeepers, nurses, data-processing operators and technicians.

Utilizing the provisions of and accompanying regulations implementing the *Fair Labor Standards Act*, the Superintendent and staff shall classify all employees of the school system as *exempt* or *nonexempt* for purposes of determining eligibility for overtime compensation.

#### HOURS WORKED FOR OVERTIME REQUIREMENTS

*Hours worked* for nonexempt employees includes all hours during which the individual is required to be on duty - generally from the required starting time to normal quitting time. Meal periods do not count as hours worked unless the individual is required to perform work duties during the meal period. Break periods of twenty (20) minutes or longer do not count as work time. Hours worked do not apply to exempt employees. Exempt employees are excluded from the overtime requirements and their work schedules may include meetings, extracurricular activities, parent conferences, planning time and other responsibilities of the position.

#### OVERTIME COMPENSATION

Nonexempt employees who work in excess of forty (40) hours per workweek shall earn compensation at one-and-one-half times their *regular rate* for all hours more than forty (40). However, the School Board discourages overtime work (more than forty hours in a workweek) by nonexempt employees.

#### OVERTIME HOURS

Overtime hours (more than forty hours worked in a workweek) shall be held to a minimum consistent with the needs and requirements of sound and orderly administration. **The Superintendent or his/her designee shall approve all overtime in advance.** Overtime assignments of nonexempt employees shall be permitted only when required by operational necessity. All hours worked by nonexempt employees shall be scheduled and duly authorized. Any hours worked by a nonexempt employee over forty (40) hours during the workweek shall be authorized in writing by the building principal or department head prior to the time the work is performed. Unauthorized overtime shall not be

tolerated. All supervisory personnel shall monitor overtime use on a weekly basis and report such use to the Superintendent or his/her designee.

### Flexible Time

Principals or supervisors may need to adjust daily schedules of nonexempt employees to maintain a consistent forty (40) hour workweek. Accurate and complete time sheets and/or records of the actual hours worked during a workweek shall be signed by each nonexempt employee and supervisor and submitted to the School Board's payroll department.

Building principals, department heads and other supervisors shall be subject to discipline for allowing nonexempt employees under their supervision to work more than forty (40) hours in a workweek without the Superintendent's or his/her designee's advance approval. Nonexempt employees shall not be allowed to begin their duties prior to their scheduled start time and supervisors shall monitor sign-in procedures to prevent such employees performing duties prior to the start time.

### Maintenance Personnel

The following guidelines shall be used to determine the selection of overtime for personnel in the Maintenance Department of the Livingston Parish School Board:

1. The selection of overtime personnel in the Maintenance Department shall be on a rotational basis by craft.
2. The rotational selection shall continue throughout the fiscal year and reset on July 1<sup>st</sup> of each year.
3. A monthly overtime chart which divides all maintenance personnel by craft shall be utilized to determine selection of overtime on a rotational basis. Each time an employee is offered overtime, the employee shall have the option of "working overtime."

### EMERGENCY OVERTIME

During a state of emergency or imminent threat of disaster as declared by the Governor of the State of Louisiana, Livingston Parish President, the Louisiana Office of Emergency Preparedness or the Parish Emergency Management Director ("Declared Emergency"), the Superintendent may close schools and/or other facilities. The resources of the school system may also be called upon to assist in protecting the health and safety of the citizens of Livingston Parish and the neighboring communities. The School Board may also find it necessary to utilize employees to protect the School District's improved property or to assist in preparing the schools to open after a "Declared Emergency."

All nonexempt employees who are called upon to perform disaster related emergency work during the time of the Emergency shall be paid a supplemental salary benefit equal to their regular rate of pay for the first forty (40) hours worked and time and a half for every hour worked after forty (40) hours.

The aforesaid payment shall be in addition to the employee's regular salary should the School Board decide to pay the salaries of all system employees during the existence of the emergency. The duration of the emergency shall be that period from the first day that schools are closed due to the emergency through the day when the Livingston Parish School Board determines that employees must return to work.

### Superintendent Declared Emergency

When the Superintendent declares a State of Emergency, departments shall be authorized to pay overtime at the rate of time and a half for all hours worked in excess of forty (40) per week to non-exempt and exempt employees when the following conditions occur:

1. A Superintendent declaration of a state of emergency, or
2. Requirement by management for employees to work overtime for purposes of response and/or recovery during the emergency, or
3. Requirement by management to work overtime specifically approved by the Superintendent prior to services being performed.

### COMPENSATORY TIME OFF

Nonexempt employees who work more than forty (40) hours during any workweek, other than during a declared emergency closure of schools, may be provided compensatory time (comp time) off. Compensatory time shall be at the rate of one and one-half hours for each hour of overtime worked.

Compensatory time may be accrued up until 240 hours (160 overtime hours). Overtime work beyond this maximum accrual amount shall be paid in cash.

Every effort shall be made to permit the use of compensatory time at the time mutually agreed upon by the individual and employee's supervisor. However, where the individual's absence would unduly disrupt school system operations, the School Board retains the right to postpone the usage of any compensatory time.

### TRAVEL

Ordinary travel time from home to a work site or a school location or vice versa is not work time. Official travel during an individual's regular working hours shall be considered

hours worked.

### LEAVE

Time taken for compensatory time off, annual leave, sick leave, leave without pay, or other leave taken for the purpose of jury duty, military assignment, or because of death in the family shall not be counted as hours worked to determine if a nonexempt employee worked more than forty (40) hours in a workweek.

### VOLUNTEERS

A *volunteer* is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such services are offered freely and without coercion, direct or implied, from the School Board. If an employee of the School Board wishes to volunteer, the volunteer services must be different from the services the employee is employed to perform. The Superintendent or his/her designee shall approve any exception.

### EXCLUSIONS FROM OVERTIME PAY REQUIREMENTS

Executive, administrative, professional and certain computer employees are identified as exempt from overtime pay if their job duties and salary meet the rules for one or more of the categories of exemption provided by the FLSA and the implementing regulations. A list of the exempt employees shall be maintained by the Human Resources Department.

### RECORD-KEEPING

#### Exempt Employees

The following records shall be kept for each employee:

- Name and identifying number
- Home address, including zip code
- Birth date if the employee is less than nineteen (19)
- Sex and occupation in which employed

#### Nonexempt Employees

The following records shall be kept for each employee:

- Name and identifying number
- Birth date, if younger than nineteen (19)
- Home address, including zip code
- Sex and occupation

- Time and day of week when employee's workweek begins
- Hours worked each day
- Total hours worked each workweek
- Basis on which employee's wages are paid (e.g. "\$6 an hour", "\$220 a week")
- Regular hourly rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from wages paid each pay period
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment (29 CFR 516.2)

RETENTION OF PAYROLL RECORDS (See also policy *DIE, Retention of Records*)

Records to be Preserved For Three (3) Years:

- Payroll records
- Certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements memoranda summarizing the terms of oral agreements)
- Sales and purchase records (29 CFR 516.5)

Records to be Preserved for Two (2) Years:

- Supplementary basic records
- Basic employment and earnings records
- Wage rate tables
- Work time schedules
- Order, shipping and billing records
- Records of additions to or deductions from wages paid
- Records that explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment (29 CFR 516.6)

SPECIAL SITUATIONS

*Meetings* - when authorized or required shall be counted as hours worked for nonexempt employees.

*In-Service Training* - when authorized or required shall be counted as hours worked for nonexempt employees.

*Waiver of Rights* - nonexempt employees shall not be allowed to waive their rights under Fair Labor Standards Act (FLSA).

*Bus Operators* - uninterrupted time off between the morning and afternoon runs shall not count as hours worked.

*Students* - Vocational students performing work as part of a curriculum are students and not workers; therefore, wages are not mandatory under FLSA. Students helping in office capacities for short periods of time are volunteers and not employees. The payment of wages is not mandatory under FLSA.

*Release time* - the Superintendent may grant exempt employees release time from their duties in the event of required extended periods of duty due to extreme emergencies such as some natural disasters or man-made disasters. Such release time may not affect the orderly operation of the school system.

*Flexible time (flex time)* - A principal or supervisor may adjust the hours and schedule of a nonexempt employee within a workweek. An employee may be given a different reporting time or quitting time due to a scheduled evening requirement during the workweek.

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Ref: 29 USC 201, et.seq. (*The Fair Labor Standards Act of 1938*, as amended); La. Rev. Stat. Ann. §§17:84.1, 17:196 17:197, 17:197.1, 17:198, 17:199, 17:422.5; *Garcia v. San Antonio Metropolitan Transit Authority et al.*, 105 S.Ct. 1005 (February 1985); Board minutes, 5-17-07, 4-24-08, 11-21-19.