

ADMINISTRATIVE PROCEDURE

Type of

Procedure: Personnel

Title: Employee Overtime and Compensatory Time

Authority: 1001.41, F.S.

Fla. Statute: 1001.42, 1012.22, 1012.23, and 1012.27, F.S.

Date Issued: September 30, 2009

Superintendent's Signature:

Purpose:

To provide general guidelines and examples of employee groups eligibility for overtime/compensatory time pay.

Procedures:

1. Only those positions classified by the Superintendent as non-exempt by the Fair Labor Standards Act shall be eligible for compensatory or over-time.
2. At the end of their scheduled work day, all non-exempt employees are expected to leave unless prior approval is obtained from their supervisor. Lunch and breaks must be taken during the day and cannot be used to compensate for leaving early or arriving late.
3. Whenever possible, compensatory and/or flextime are to be the primary strategies for covering work requirements that involve time outside the regular work schedule.
4. Flex time is a change in schedule which permits work beyond the regular work day with compensation by time off at other times within the regular forty (40) hour work week.
5. Compensatory time is provided when an employee works more than the scheduled forty (40) hour work week, and is accrued at a rate of one-and-one-half hours for each additional hour worked. Supervisors shall make every effort to schedule time off for the employee to keep the accrued compensatory time below forty (40) hours. Federal regulations prohibit compensatory time in excess of two-hundred-and-forty (240) hours. Workweeks begin on Monday and end on Sunday.
6. Overtime pay shall be provided only when absolutely necessary to meet special or emergency work situations.

7. The decision of how and when to schedule flex, compensatory or overtime pay shall rest with the supervisor and must be determined before the extra time is scheduled.
8. All overtime for pay requires the prior approval of the Superintendent or his or her designee.
9. A fund source shall be identified prior to the approval of overtime pay and communicated to the Payroll Department on the regular payroll report.
10. All sites shall implement a sign-in/sign-out system for all non-exempt employees which shall include:
 - A. beginning and ending time of hours worked recorded daily;
 - B. days when leave is taken or temporary duty assigned noted that day on the sign-in/sign-out sheet;
 - C. sign-in/sign-out sheets reviewed during each payroll cycle for completeness and signed off by the principal/manager who shall be held accountable for enforcement of a sign-in/sign-out system.
11. Teachers
 - A. Teachers are not eligible for overtime when they:
 - 1) work at home doing professional tasks, either during the workweek or on the weekend;
 - 2) work in “supplemented” positions, i.e., coaching, activity sponsors;
 - 3) work in a second position where duties are professional, administrative, or executive as defined by the F.L.S.A.
12. Paraprofessionals
 - A. Generally
 - 1) Paraprofessionals are nonexempt employees and are eligible for overtime for all time worked over forty (40) hours in a workweek.
 - 2) Pursuant to collective bargaining agreements, paraprofessionals can be awarded compensatory time in lieu of overtime pay for hours worked over forty (40) in a workweek.

3) If compensatory time is awarded, it must be awarded at time-and-a-half for all hours worked over forty (40).

4) The total compensatory time should not exceed forty (40) hours.

B. Paraprofessional with Temporary or Regular Teaching Certificates

1) Paraprofessionals with a temporary teaching certificate are not exempt employees except when employed as a teacher.

2) Time spent substitute teaching must be counted as part of the paraprofessional's forty (40) hour work week.

13. Nonexempt Employees

A. All nonexempt employees are eligible for overtime when they exceed forty (40) work hours in a workweek, either in one or two positions.

14. Nonexempt Employees Working at Home

A. The Hamilton County School Board does not encourage the practice of working at home. To allow this requires special written approval, in advance, from the Superintendent, or Assistant Superintendent. This practice will be allowed only in cases of extreme emergency and subject to the following minimum requirements.

B. Detailed time sheets must be completed by the employee. The time sheets should, at a minimum, contain the following:

1) beginning and ending time of workday;

2) beginning and ending time of lunch breaks;

3) specific task(s) performed;

4) hours worked per task;

5) employee's name, address, and social security number;

6) employees must record all time worked;

7) supervisor must review time sheets during each payroll cycle. Any overtime should be reported to Payroll according to published timelines

for Personnel and Payroll; and

- 8) submission of time sheets will be strictly enforced.

15. Volunteers

A. Non Exempt Employees are not “volunteers” if:

- 1) they volunteer to perform the same job they were hired to do;
- 2) expect and/or receive compensation, i.e., stipends or supplements, for the services performed; and
- 3) they have secured the approval of their supervisor to work any hours over forty (40) in the work week.

16. Flexible Work Schedules

The District encourages exempt employees to use flexible work schedules to help offset extra time demands which extend beyond the regular workday and forty (40) hour work week.

17. Employees Attending Workshops, Conferences, etc.

A. Generally, attendance including travel time, meal periods and overnight time spent at lectures, meetings, and training programs is not counted as work time, if:

- 1) attendance is outside the employee’s regular work hours; or
- 2) attendance is “in fact” voluntary; or
- 3) the course, lecture, or meeting is not directly related to the employee’s job functions with the Hamilton County School Board.

B. If an employee, on his/her own initiative attends an independent school, college, or independent trade school after hours, the time is not hours worked for the employer, even though the courses may be related to his/her job.

18. Compensatory Time Guidelines

A. How Earned

- 1) Compensatory time can be earned, when approved by the supervisor, for duties beyond the forty (40) hour work week that are essential to the success of the school/district/program or for the safety/security of the facility.
- 2) Compensatory time is calculated on a weekly basis, not on a daily basis.
- 3) Compensatory time must be awarded at time-and-a-half for hours over forty (40) worked by the employee in the work week.
- 4) Annual leave, sick leave, and paid holidays are not considered as part of the forty (40) work hours.

B. Cannot be Earned When

- 1) Compensatory time cannot be earned for activities associated with “supplement” positions (extra-curricular activities)

C. How Used

- 1) Compensatory time can be used only with the prior written approval of the immediate supervisor.
- 2) Compensatory time, with written approval from the supervisor, may be used in lieu of sick, personal, or annual leave.
- 3) Supervisors are to make every effort to use compensatory time as payment for time worked over forty (40) hours in a work week.
- 4) Supervisors should make every effort to prevent accrued compensatory time from exceeding forty (40) hours.
- 5) Compensatory time shall be taken with the supervisor’s approval and may be taken as a whole day, such as a workday. Time should be taken after student contact time if possible. Compensatory time will not be carried over to a new fiscal year.

D. Required Record Keeping.

Each supervisor is responsible for keeping accurate written records of compensatory time earned and used, utilizing the District’s approved form.