

SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC-R** Issued **2/20**

Minimum Wage

The minimum wage paid on an hour-by-hour basis to all staff members, either full or part time, permanent or temporary, will be at the approved rate as determined by the federal government, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

Workweek

A workweek will be a continuous period of 168 hours in the form of seven (7) consecutive twenty-four (24)-hour periods. The district workweek begins at 12:01 a.m. each Monday for all staff members and runs for seven (7) consecutive days. Each workweek stands alone for the purpose of determining overtime pay for non-exempt staff members.

Hours Worked

Hours worked means 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.

Travel

Ordinary travel time from home to a base location or vice versa is not work time. Official travel that occurs during an individual's regular working hours will be considered hours worked.

Leave

Time taken for annual leave, sick leave, leave without pay, or other leave taken for the purpose of jury duty, military assignment, or death in the family will not be counted as time worked and is, therefore, not counted as compensable time for the purpose of overtime pay.

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 capacity will not be counted as hours worked for overtime purposes.

Note that individuals may not work on a volunteer basis in their own position or extended their day on a volunteer basis. Doing so constitutes a violation of the Fair Labor Standards Act (FLSA) and may result in disciplinary action.

Substitution in same capacity

Staff members, at their own option but with the approval of the employer, may substitute during scheduled hours for other staff members employed in the same capacity. In the case of such substitution, the hours involved are credited to the scheduled staff member and not to the substitute staff member. The district need not maintain a record that the substitution has taken place.

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Overtime Hours

Overtime hours will be consistent with the needs and requirements of sound and orderly administration of the district. All overtime hours worked by non-exempt staff members must be scheduled and duly authorized. With respect to the payment of overtime in money or in compensatory time, the district will have the discretion to determine which method of payment to choose. The district reserves the right to require staff members taking compensatory time to schedule compensatory time in minimal increments of four (4) hours. This requirement is subject to change by the district upon written notification to all affected staff members.

Where a staff member in a single workweek works at two (2) or more different types of work for which different straight-time rates have been established, the staff member's regular rate for that week is the weighted average of such rates. (That is, the earnings from all such rates are added together. This total is then divided by the total number of hours worked at all jobs.)

Compensatory time off

Non-exempt staff members who work more than forty (40) hours during any workweek may be awarded compensatory time off (comp time). Comp time will be awarded at the rate of one and one-half (1.5) hours for each hour of overtime worked.

Comp time may be accrued up to sixty (60) hours (forty (40) overtime hours). All accrued compensatory time will be taken prior to the end of each fiscal year. Overtime work beyond this maximum accrual, or accrued compensatory time not taken prior to the end of each fiscal year, will be monetarily compensated at the rate of one and one-half (1.5) times the individual's normal hourly rate of pay.

Every effort will be made to permit the use of comp time at a time mutually agreed upon by the individual and his/her supervisor. However, where the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.

Time off later for working on an official holiday will not be considered compensatory time off but as a delayed holiday. Staff members who are required to work on an announced holiday must be given equal time off within the same fiscal year.

Monetary compensation

Non-exempt staff members who work in excess of forty (40) hours per workweek will be paid at one and one-half (1.5) times their regular rate.

Termination

Individuals with unused comp time who are terminated or who terminate their employment will be paid for unused comp time at one and one-half (1.5) times their final regular rate of pay or for the average regular rate of pay for the final three (3) years of employment, whichever is higher.

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 not the same type of services which the individual is employed to perform for the district.

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Students

Career and technology students performing work as part of a curriculum are students and not workers. Students helping in office capacities for short periods of time are volunteers and not staff members.

Exclusions

Executive, administrative, and professional staff members will be considered exempt if they meet the respective salary and duties tests for exemption from coverage pursuant to federal law.

Highly compensated staff

Staff members who perform office or non-manual work and earn a salary of at least \$107,432 per year will be completely exempt from coverage in that they regularly and customarily perform at least one (1) of the duties of an exempt executive, administrative, or professional staff member. The \$107,432 compensation can include bonuses and commissions, but not benefits.

Executive staff

The staff member's primary duty consists of the following:

- managing the enterprise or a customarily recognized department or subdivision
- must customarily and regularly direct the work of at least two (2) or more other full-time staff members
- have the authority to hire or fire other staff members; or his/her suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other staff members are given particular weight

The staff member must be paid on a salary basis at a rate of at least \$684 a week with some minor exceptions related to non-discretionary bonuses.

Administrative staff

The staff member's primary duty consists of the following:

- performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers
- includes the exercise of discretion and independent judgment with respect to matters of significance

The staff member must be paid on a salary basis at a rate of at least \$684 a week with some minor exceptions related to non-discretionary bonuses.

Professional staff

The staff member's primary duty consists of the following:

- work requiring advance knowledge (defined as work which is predominately intellectual in character, and which includes work requiring consistent exercise of discretion and judgment)

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in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study

- work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor

The staff member must do work that is predominately intellectual and varied as distinguished from routine mental, manual, mechanical, or physical duties.

The staff member must be paid on a salary basis at a rate of at least \$684 a week with some minor exceptions related to non-discretionary bonuses.

IT/Computer-related staff

To qualify for the computer employee exemption, the staff member must be employed as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer field performing the duties described below.

The staff member's primary duty consists of the following:

- the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications
- the design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications
- the design, documentation, testing, creation or modification of computer programs related to machine operating systems
- a combination of the aforementioned duties, the performance of which requires the same level of skills

The computer employee exemption does not include staff members engaged in the manufacture or repair of computer hardware and related equipment.

The staff member must be compensated either on a salary or fee basis at a rate not less than \$684 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour.

Permissible Deductions

The district can take deductions from an exempt staff member's salary for violations of workplace conduct rules without risking the loss of the exempt staff member's status.

Improper Deductions

The board prohibits improper pay deductions. Staff members who believe that improper pay deductions have been taken should immediately report the concern to the superintendent. Staff members will be reimbursed for improper deductions. If a staff member's request for reimbursement is denied, the staff member may appeal that decision by following the grievance procedure set forth in board policy.

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Nothing in the policy will prevent the district from properly charging absences against sick leave, personal leave, or other such leave or from making deductions from pay for unapproved or unpaid absences, as established in board policy.

Safe Harbor Rule

The district will lose overtime exemptions if and when it has an actual practice of making improper deductions from a staff member's salary. The district may utilize a "safe harbor" to reduce the risk that improper deductions will destroy an exemption by ensuring the following:

- clear communication of its policy prohibiting improper deductions and inclusion of a complaint mechanism
- reimbursement of staff members for any improper deductions
- makes a good faith commitment to comply with FLSA regulations in the future

The district will lose the protection of the safe harbor if it willfully violates the above provisions and continues to make improper deductions.

Recordkeeping

Exempt staff members

The following records must be kept for each staff member:

- name and identifying number
- home address
- birth date if the staff member is under nineteen (19)
- sex and occupation in which employed
- time and day of week when staff member's workweek begins
- basis on which wages are paid, ensuring sufficient detail to permit calculation for each pay period of the staff member's total remuneration for employment

Non-exempt staff members

The following records must be kept for each staff member:

- name and identifying number
- home address
- birth date if staff member is under nineteen (19)
- sex and occupation in which employed
- time and day of week when staff member's workweek begins
- hours worked each day
- total hours worked each week
- basis on which staff member's wages are paid (e.g. "\$9 per hour," or "\$440 a week")
- regular hourly pay rate
- total daily or weekly straight-time earnings
- total overtime earnings for the workweek
- all additions to or deductions from the staff member's wages
- total wages paid each pay period
- date of payment and the pay period covered by the payment

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Retention of records

The following will be preserved for three (3) years:

- payroll records
- certificates, agreements, plans, notices, etc. (e.g. contracts, written agreements, or memoranda summarizing the terms of oral agreements)
- sales and purchase records

The following will be preserved for two (2) years:

- supplementary basic records such as basic employment and earnings records, wage rate tables, and work time schedules
- order, shipping, and billing records
- records of additions to or deductions from wages paid
- records which explain the basis for payment of any wage differential to staff members of the opposite sex in the same establishment

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