

# SUPPORT STAFF SUPPLEMENTARY PAY/OVERTIME

Code **GDBC-R** Issued **9/16**

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## **Minimum Wage**

The **minimum** wage paid on an hour-by-hour basis to all employees 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 United States Department of Labor certification.

## **Workweek**

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

## **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 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.

## *Substitution in same capacity*

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

## **Overtime Hours**

Overtime hours will be held to a minimum consistent with the needs and requirements of sound and orderly administration. All overtime hours worked by non-exempt employees must be scheduled and duly authorized. With respect to the payment of overtime in money or in

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compensatory time, the district will have the discretion to determine which method of payment to choose. The district reserves the right to require employees taking compensatory time to schedule compensatory time in minimal increments of four hours. This requirement is subject to change by the district upon written notification to all affected employees.

Where an employee in a single workweek works at two or more different types of work for which different straight-time rates have been established, the employee'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 employees who work more than 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 hours for each hour of overtime worked.

Comp time may be accrued up until 60 hours (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 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. Employees who are required to work on an announced holiday must be given equal time off within the same fiscal year.

### *Monetary compensation*

Non-exempt employees who work in excess of 40 hours per workweek will be paid at one-and-one-half 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 times their final regular rate of pay or for the average regular rate of pay for the final three 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.

### **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 employees.

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## **Exclusions**

Executive, administrative, and professional employees will be considered exempt if they meet all of the following respective duties tests for exemption from coverage under the law.

### *Highly compensated employees*

Employees who perform office or non-manual work and earn a salary of at least \$134,004 per year will be completely exempt from coverage in that they regularly and customarily perform at least one of the duties of an exempt executive, administrative, or professional employee. The \$134,004 compensation can include bonuses and commissions, but not benefits.

### *Executive*

The employee's primary duty consists of the following:

- The employee manages the enterprise or a customarily recognized department or subdivision.
- The employee customarily and regularly directs the work of at least two or more other full-time employees.
- The employee has the authority to hire or fire other employees; or his/her suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees are given particular weight.

The employee must devote no more than 20 percent of his/her hours worked to activities not directly and closely related to the managerial duties.

The employee must be paid on a salary basis at a rate of at least \$913 a week exclusive of board, lodging, or other facilities.

### *Administrative*

The employee's primary duty consists of the following:

- The employee performs office or non-manual work directly related to the management or general business operations of the employer or the employer's customers.
- The employee has the authority to exercise discretion and independent judgment with respect to matters of significance.

The employee must not spend more than 20 percent of the time worked in the workweek on work that is not directly and closely related to the administrative duties discussed above.

The employee must be paid on a salary or fee basis at a rate of not less than \$913 a week exclusive of board, lodging, or other facilities.

### *Professional*

The employee's primary duty consists of the following:

- The employee's work requires advanced knowledge (defined as work which is predominately intellectual in character, and which includes work requiring consistent exercise of discretion

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

- The employee's work requires invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

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

The employee must not spend more than 20 percent of the time worked in the workweek on activities not essentially a part of and necessarily incident to the professional duties.

The employee must be paid on a salary or fee basis at a rate of not less than \$913 a week exclusive of board, lodging, or other facilities.

### **Permissible Deductions**

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

### **Improper Deductions**

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

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 an employee'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 for any improper deductions
- good faith commitment to comply with federal 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 employees*

The following records must be kept for each employee:

- name and identifying number
- home address

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- birth date if the employee is under 19
- sex and occupation in which employed
- time and day of week when employee's workweek begins
- basis on which wages are paid, ensuring sufficient detail to permit calculation for each pay period of the employee's total remuneration for employment

### *Non-exempt employees*

The following records must be kept for each employee:

- name and identifying number
- home address
- birth date if employee is under 19
- sex and occupation in which employed
- time and day of week when employee's workweek begins
- hours worked each day
- total hours worked each week
- basis on which employee's wages are paid (ex. "\$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 employee's wages
- total wages paid each pay period
- date of payment and the pay period covered by the payment

### *Retention of records*

The following will be preserved for three 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 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 employees of the opposite sex in the same establishment (29 C.F.R. 1620.32)

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