



**WINDHAM SCHOOL
DISTRICT**

NUMBER: OP-07.12 (rev. 1)
DATE: September 23, 2015
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**SUPERSEDES: OP-07.12
April 7, 2003**

OPERATING PROCEDURES

SUBJECT: COMPENSATORY TIME

AUTHORITY: *Fair Labor Standards Act of 1938 as amended (FLSA), 29 U.S.C. § 201-219; Windham Board Policy (WBP)-07.12, "Compensatory Time"*

APPLICABILITY: Windham School District (WSD)

POLICY:

Employees of the WSD may earn and use compensatory time subject to the provisions of WBP-07.12.

The FLSA establishes minimum wage, overtime pay, and recordkeeping requirements for employees covered by the Act. Some employees are excluded from the FLSA provisions by virtue of an executive, administrative, or professional exemption. Generally, the FLSA requires that employees not exempt from the provisions of the Act be compensated at the rate of one and one-half time for hours worked in excess of the maximum established work cycle established for the employee under the FLSA. The Act does not require that an employee earn overtime for hours worked in excess of eight per day or for work on Saturdays, Sundays, or holidays. The Act does require that hours worked in excess of the maximum number of hours for the established work cycle be compensated at the rate of one and one-half times.

DEFINITIONS:

"Compensatory Time" is leave time accrued in accordance with the procedures within this policy at the rate of one hour for each hour worked, with a maximum of eight hours per day.

"FLSA Exempt Employee" is an employee who is not subject to the wage and overtime provisions of the FLSA because the employee's primary duty assignments pass the FLSA executive, administrative, professional, or computer exemption tests.

"Work Cycle" is seven consecutive calendar days with no more than 40 scheduled work hours starting on Thursday at 12:01 a.m. and ending the following Wednesday at midnight.

PROCEDURES:

The procedures in this policy shall be followed in accordance with WBP-07.12. Additional information is available in WBP-07.12.

I. Exempt Employees

A. Compensatory Time Compensation:

1. All exempt employees shall accrue compensatory time for time worked (not to exceed eight hours per day) on normally scheduled days off.
2. Exempt employees are entitled to equivalent time off.
3. Exempt employees who, in performing their normal duties on regular work days, work in excess of an eight hour day are not eligible for requesting hour-for-hour overtime
4. Exempt employees may not be paid for any unused compensatory time.

B. Recordkeeping Provisions Relating to Exempt Employees

1. Exempt employees may, with the approval of their immediate supervisor, accrue compensatory time for working on a regularly scheduled day off for WSD administratively scheduled activities such as graduation ceremonies and recreation special events.
2. No exempt employee shall accrue compensatory time for any other reason without prior approval from their immediate supervisor. A principal, regional administrator, or supervisor shall provide authorization, for example, email or memo, prior to any exempt employee working on a regularly scheduled day off. The authorization may cover one or more work cycles; however, the authorization shall include a beginning and end date.
3. Exempt employees shall document hours worked on a non-scheduled workday on their timesheets and the Department of Human Resources will credit the individual with time earned.

II. Non-Exempt Employees

A. Compensatory Time Compensation

1. If a non-exempt employee is required to work at WSD administratively scheduled activities such as graduation ceremonies the employee must be given time off during the work cycle to ensure that no more than 40 hours are worked.

Example: A principal's secretary worked Thursday and Friday, accruing a total of 16 hours. The secretary also worked during the graduation ceremonies on Saturday for eight hours. By the end of Tuesday, a total of 40 hours had been accrued. The secretary did not work on Wednesday, the last day of the work cycle and thus only worked a total of 40 hours during the work cycle.

2. Any paid leave or holidays taken are not counted as hours worked in determining overtime hours.
3. In situations in which the employee has not physically worked more than the maximum hours in a work cycle, but the combined total of hours worked and hours of paid leave or paid holidays exceeds the maximum number of hours for the appropriate work cycle, the employee shall be entitled to equivalent compensatory time off for the excess hours.

Example: During a four-day workweek in which there is a school holiday, an employee is approved to work eight hours on the scheduled holiday. The employee will earn eight hours of compensatory time because the employee did not physically work more than 40 hours during the work cycle.

B. Recordkeeping Provisions Relating to Non-exempt Employees

1. Each unit or department shall maintain a daily record of hours worked. Normally scheduled work hours actually worked shall be indicated in whole or partial hours in increments of no less than 15 minutes. Any deviation from the normally scheduled hours must also be recorded in whole or partial hours in increments of no less than 15 minutes. It is the responsibility of principals and department heads to know and maintain the hours their employees worked. Special attention must be taken to ensure that non-exempt employees are not working excess hours without prior authorization and thereby creating a potential liability.
2. Any excess hours worked must have prior approval of the immediate supervisor and must be recorded on the monthly timesheets. A principal, regional administrator, or supervisor shall provide a non-exempt employee with authorization, for example, an email or memo, prior to the employee working hours beyond the employee's regularly scheduled work hours on any calendar day. The authorization may cover one or more work cycles; however, the authorization shall include a beginning and end date.
3. When a non-exempt employee earns overtime, time taken off must be reported on the timesheet as Comp. Time Taken.

III. Other Provisions and Explanations

- A. Teachers who are placed in a position of having to work in excess of the number

of days required under their annual contract must have prior approval of the immediate supervisor.

- B. All personnel requesting a claim for compensatory time to attend conferences or workshops held on weekends, legal holidays, or vacation time must have prior approval of the immediate supervisor.

Signature on file
Paul D. Brown
Director, Division of Operations