WINDHAM BOARD POLICY

SUBJECT: **COMPENSATORY TIME**

AUTHORITY: *Fair Labor Standards Act of 1938* as amended (FLSA), 29 U.S.C. § 201-219

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate a noncontract employee at will.

POLICY:

Congress in 1985 amended portions of the Fair Labor Standards Act (FLSA) as applied to state and local government employees so that employee overtime may be compensated by granting time off rather than requiring payment.

The WSD will follow the guidelines established by the FLSA for overtime, wages, and recordkeeping for employees covered by the Act. No WSD employee shall be discriminated against because of race, color, religion, sex (gender), national origin, age, disability, or genetic information.

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.

"FLSA Exemption Test" is used to determine if an employee is subject to the wage and overtime provisions of the FLSA. The FLSA exemption tests include executive, administrative, professional, and computer criteria.

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

"Overtime" is leave time accrued in accordance with the procedures within this policy, at the rate of time and a half for time worked in excess of 40 hours per work week for non-exempt employees.

"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:

I. Exempt Employees

A. Principal, Regional Administrator, or Supervisor Responsibilities

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.

B. Employee Responsibilities

Exempt employees shall document hours worked on a non-scheduled workday on their timesheets.

NOTE: Exempt employees who, in performing their normal duties on regular workdays, work in excess of an eight-hour day are not eligible for compensatory time or overtime.

II. Non-Exempt Employees

A. Principal, Regional Administrator, or Supervisor Responsibilities

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.

B. Employee Responsibilities

Non-exempt employees shall document such hours worked on their timesheets.

C. Adjustments Made to Avoid or Reduce Compensatory Time or Overtime

A non-exempt employee's supervisor may adjust any of an employee's regularly scheduled workdays within the same work cycle to avoid or reduce the employee's accrual of compensatory time or FLSA overtime.

Signature on file
Oliver J. Bell, Chairman
Windham School District Board of Trustees