



WINDHAM SCHOOL
DISTRICT

NUMBER: OP-07.09 (rev. 3)
DATE: February 2, 2017
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SUPERSEDES: OP-07.09 (rev. 2)
November 18, 2016

OPERATING PROCEDURES

SUBJECT: HOURS OF DUTY

AUTHORITY: Tex. Educ. Code § 19.009; Windham Board Policy (WBP)-03.02, “Windham School District Superintendent Responsibilities and Authority”; *Fair Labor Standards Act (FLSA)*, 29 U.S.C. § 201

Reference: WBP-07.12 and OP-07.12, “Compensatory Time”; OP-07.13, “Employee Training and Staff Development”

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:

The hours of duty for each standard workday will be eight hours. This policy addresses the hours of duty for WSD staff, breaks, and the number of required hours of activities on staff development days. Due to the varied working structures of different units within the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division, not all campuses begin and end school at the same time of day, nor do vocational and academic classes on the same unit necessarily begin and end classes at the same time. Also, school schedules are impacted by activities occurring on the unit and, occasionally, actual teaching time and preparation time may need to be adjusted. The principal shall coordinate with appropriate TDCJ officials to ensure that the unit schedule will accommodate school requirements.

DEFINITIONS

"Enrichment" is instruction and programs that supports the core curriculum as well as additional time for professional development and collaborative planning during the school 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, computer, or outside sales exemption tests. Teachers are FLSA exempt employees.

"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, computer, or outside sales exemption tests.

DISCUSSION:

An employee who fails to comply with the procedures within this directive, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts, may be subject to disciplinary action up to and including termination in accordance with WBP 7.44, Professional Standards of Conduct and Disciplinary.

PROCEDURES:

- I. Exempt Employees
 - A. All exempt employees will work eight hours per day as directed by their supervisor.
 - B. Work hours for exempt employees assigned to a unit will be adjusted by the supervisor in accordance with the unit building schedule as determined by the unit warden. Emergency and other unusual circumstances caused by the prison environment may occasionally require that exempt employees work beyond the required minimum hours. Staff also may be required to work extra time for staff meetings, supervisor visits, or safety training. The unit principal will schedule this extra time.
 - C. The normal workday for a teacher is six and one-half hours of instruction, one hour of planning and preparation time, and 30 minutes of enrichment time for a total of eight hours.
 - D. Exempt employees are required to take a minimum of 30 minutes of duty free lunch. The principal will determine the exact amount of time for lunch with consideration to unit building schedules. Lunch times may not be worked one day to permit the employee to arrive late or leave early on another day.
 - E. Exempt employees are not authorized to take regularly scheduled breaks.

II. Non-Exempt Employees

- A. Work hours for non-exempt employees assigned to a unit will be adjusted by the supervisor in accordance with the unit building schedule as determined by the unit warden. Emergency and other unusual circumstances caused by the prison environment may occasionally require that non-exempt employees work beyond the required minimum hours. Staff also may be required to work extra time for staff meetings, supervisor visits, or safety training. The unit principal will schedule this extra time.
- B. When additional hours are worked, supervisors will adjust the remaining hours of the weekly work schedule so as to minimize the accrual of compensatory time.
- C. Employees are required to take a minimum of 30 minutes of duty free lunch. The principal or supervisor will determine the exact amount of time for lunch with consideration to schedules. Lunch times may not be worked one day to permit the employee to arrive late or leave early on another day.
- D. A supervisor may exercise discretion in granting up to two 15-minute convenience breaks for a non-exempt employee during the employee's duty assignment when conditions and staff resources permit. An employee may not take an extended lunch hour or arrive late or leave work early in lieu of a convenience break. Convenience breaks are not an entitlement.

III. Provisions Applicable to Both Exempt and Non-Exempt Employees

- A. Employees not working on a unit may start the workday at 7:00 AM or later. Only employees working in the Administrative Warehouse may start earlier than 7:00 AM. Supervisors are responsible for determining employee start times consistent with this policy.
- B. Compensatory time will be earned in accordance with WBP-07.12 and OP-07.12.
- C. Adjustments to daily work hours for special circumstances
 - 1. Special circumstances may exist, such as doctor's appointments or children's school requirements, where it is beneficial to both WSD and the employee if an adjustment is made to the daily work schedule.
 - 2. Requests for work hour adjustments must be made in advance with the employee's supervisor. Approval will be in writing.
 - 3. Hours as adjusted must be entered into the appropriate time keeping system.
 - 4. No more than three hours per workweek may be adjusted.

IV. Provisions Relating to Working at a Personal Residence

- A. A WSD employee will be permitted to accrue work hours only at the employee's regular place of employment or temporary assigned duty point unless the employee has received prior written authorization from the superintendent to work at the employee's personal residence.
- B. Supervisors will submit written justification for permission for an employee to work from their personal residence through the chain of supervision to the administrator for human resources. The administrator for human resources will submit the request to the superintendent for approval or denial. A decision by the superintendent is final and cannot be grieved.
- C. In accordance with state law, no employee, either FLSA exempt or FLSA non-exempt, shall accrue compensatory time for work conducted at the employee's personal residence. This includes employees who have received written permission from the superintendent to conduct work at the employees' personal residence.
- D. There is no statutory or contractual right to work from a personal residence.

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