

<b>PAY EQUITY-FAIR LABOR STANDARDS</b>	Descriptor Code: GBAB	Approved/ <b>Revised</b> Reviewed: October 10, 2013
	Rescinds Policy: GBAB	Originally Approved: July 12, 2001

The Natchez-Adams School District adheres to the minimum wage, overtime pay and record keeping requirements and the child labor restrictions in compliance with the standards of the Fair Labor Standards Act (FLSA) of the United States.

This policy applies to all classified employees who are nonexempt under the Fair Labor Standards and certified/licensed professional employees (teachers, counselors, supervisors, administrators, managers, directors, and specialists). Covered employees include the following job classifications:

Secretaries	Janitors	Bookkeepers
Security	Maintenance Personnel	Clerks
Delivery/Courier	Cafeteria Personnel	Mechanics/Technicians
Groundskeepers	Non-certified Substitute Teachers	Assistant Teachers

### **EMPLOYMENT RELATIONSHIPS**

An employment relationship is not created between trainees (student teachers) or students and the Natchez-Adams School District due to the circumstances surrounding their activities.

An employment relationship is not created between the Natchez-Adams School District and individuals who volunteer or donate their services to the district as a public service without contemplation of pay.

Off-duty law enforcement personnel hired on a part-time basis by the district for crowd control or security purposes do not create a joint employment relationship between the district and the city or county. The school district is separated and distinct and acts entirely independent of other governmental entities.

### **HOURS WORKED**

Each employee subject to FLSA shall be paid in accordance for all hours worked. Compensable time includes all time that an employee is required to be on duty.

For employees subject to the FLSA, the workweek begins on Saturday and ends at the end of the next Friday. Each pay period is a month. Hours worked shall be accurately recorded by each employee on a monthly time sheet or weekly time card in the format provided by the district. Time sheets are due in the payroll office on the Friday next following the 15<sup>th</sup> day of each month. Payday is the last working day of each month.

Employees using monthly time sheets shall furnish all information requested and shall record the exact time of arrival and departure from work.

Employees are expected to arrive and depart at or about the time specified unless requested to work. For overtime, employees must request permission from the superintendent and his/her designee. Employees who do such work without permission are subject to disciplinary action, including termination. All overtime shall be recorded by each employee on the time sheet or time card as well as complete Form GBAB-E1: Request To Earn Overtime and Compensatory Time and Form GBAB-E2: Request to Use Compensatory Time.

Paid time off in the form of sick leave, vacation leave, emergency leave, and paid holiday in an amount of eight (8) hours per day, not to exceed three days, is not included for the purposes of determining whether an employee is entitled to overtime in a given work week.

### **Employees**

Classified employees should not commence work before “clocking” in and should not continue work after clocking out. Employees should not clock in more than seven minutes prior to their scheduled start time. Employees who violate these rules are subject to disciplinary action, including termination.

## **BREAKS**

Although not required by the FLSA, employees should be allowed breaks of no more than 15 minutes when appropriate. Each employee's immediate supervisor shall determine the time of day for breaks and their length. Generally, full-time employees receive a morning and afternoon break. Part-time employees receive breaks as deemed appropriated by the immediate supervisor who takes into consideration the length of daily employment.

## **BASIC MONETARY REQUIREMENTS**

All employees subject to FLSA shall be paid not less than the current minimum wage.

## **OVERTIME PAY**

All employees subject to FLSA shall be paid not less than one and one-half times his/her regular rate of pay for all hours worked over 40 in a workweek. Overtime pay due an employee shall be computed on the basis of the hours worked in each workweek and the overtime compensation earned by an employee shall be paid on the next regular payday for the workweek in which the overtime was worked.

Overtime pay may not be waived by an agreement between employer and employees nor may the hours of work of an employee be averaged over two or more workweeks.

## **REGULAR RATE OF PAY**

Any overtime pay will be based on the employee's regular rate that will include all remuneration for employment. Overtime will be based on the hourly rate for employees paid a simple hourly rate. The monthly salary will be reduced to its hourly rate equivalent for employees paid on a salary basis. Employees shall be paid for each and every hour worked.

## **AUTHORIZATION FOR OVERTIME WORK REQUIRED**

Each district employee responsible for the supervision of employees subject to the FLSA shall, prior to permitting any overtime work, receive authorization from the superintendent or his/her designee.

The superintendent may, in an effort to keep overtime at a minimum, establish a layoff plan, if, in his/her opinion, such a plan would not be detrimental to the mission of the school district. Under such a plan, an employee would be laid off after working 40 hours in a workweek. For example, the secretary who has to work 10 hours a day on Monday, Tuesday, Wednesday, and Thursday would be laid off Friday and return to work the next Monday. The layoff must occur during the same workweek the 40 hours were worked.

## **ADMINISTRATIVE PROCEDURES FOR OVERTIME AND COMPENSATORY**

There are two forms that are related to this policy. Form GBAB-E1: Request To Earn Overtime and Compensatory Time and Form GBAB-E2: Request to Use Compensatory Time. Form GBAB-E1 must first be completed in order to receive permission to earn compensatory time. Section I must be completed by the requestor's immediate supervisor. The immediate supervisor must be able to justify why the individual requesting the compensatory time could not complete his or her responsibilities during the normal working hours for the individual(s). Section II must be completed by the individual requesting to earn the compensatory time. Non-exempt classified employees can opt to be paid overtime at time and a half their hourly rate for the hours they work overtime or they may opt to earn time and a half in compensatory time. Before permission is given, the immediate supervisor must first approve then submit the completed request to me for final approval. Except for those individuals whose positions require them to be on call, under no circumstances should an individual work over time without the signed permission of the supervisor and me.

If approval to earn compensatory time is given by both the immediate supervisor and me, and the requestor wants to use the time, he or she must submit a leave request to the Deputy Superintendent. Do not assume because it was submitted that the leave request is approved. You must receive an approved response from the Deputy Superintendent before the compensatory can be utilized for leave. **Requests to use compensatory time for leave must be pre-approved; no exceptions.**

Form GBAB E-2 must be completed and filed in the department of the person that has earned the compensatory time. This must be kept up to date when compensatory time is approved and earned. It must also accompany the leave request form when a request to use compensatory time for leave is submitted to the Deputy Superintendent. If the form is not complete and accurate, there will be an automatic denial of the request to use compensatory time for leave. Once a decision has been made by the Deputy Superintendent regarding the leave request, Form GBAB E- 2 will be returned back to the department with her signature along with the leave request form.

## **RECORDKEEPING**

The superintendent shall require all records on wages, hours, and other items listed in the record keeping regulations (29CFR Part 615) to be kept by the business office for the time specified by the act.

## **ENFORCEMENT**

District employees shall, at all times, cooperate with authorized representatives of the U.S. Department of Labor who may visit a work site to investigate and gather data concerning wages, hours, and other employment practices; to enter and inspect any school district premises and records; and to question employees to determine whether any person has violated any provision of the FLSA. Employers who have willfully violated this law may face criminal penalties, including fines and imprisonment.

District employees responsible for supervising employees subject to the FLSA who willfully violate the terms of this policy shall be subject to disciplinary action by the school district. Any disciplinary action taken by the school district will be in addition to any relief granted an employee by the U. S. Department of Labor or a court of law. Willful is defined by the U. S. Department of Labor as "knew or should have known."

## **CHILD LABOR PROVISIONS**

The FLSA contains important provisions regarding the employment of children. Management personnel shall consult with the superintendent or his/her designee prior to the employment of any individual under 18 years of age. If a decision is made to employ child labor, the hiring, hours worked, work performed, and rate of pay shall be in full compliance with the FLSA. Violations of the FLSA child labor provision or any regulation issued under them may subject the violator to a civil money penalty up to \$1,000 for each violation.

**Important Note:** School districts are encouraged to check with the Department of Labor in the event rules and regulation have been revised since the posting of this policy.

See also Policy GCBC and Policy GDBC.

# NATCHEZ ADAMS SCHOOL DISTRICT

GBAB-E1

## REQUEST TO EARN OVERTIME AND COMPENSATORY TIME

**SECTION I: Completed by the requestor's supervisor:**

**Location:** \_\_\_\_\_

**Employee:** \_\_\_\_\_

**Date(s) of work:** \_\_\_\_\_ **Number of hours to be worked:** \_\_\_\_\_

I am requesting hours of overtime/compensatory time for the above named employee for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date of Signature

**SECTION II: Completed by employee**

**Check One:**

\_\_\_\_\_ Non-exempt classified employee will be paid time and one-half on the next available payroll.

\_\_\_\_\_ Non-exempt classified employee has requested time and one-half compensatory time in lieu of overtime pay, to be taken at a date approved by both the immediate supervisor and the Assistant Superintendent.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date of Signature

**To Be Completed By Superintendent:**

\_\_\_ Approved \_\_\_ Not Approved

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date of Signature

