



## POLICY 6.12

**4-C** I recommend that the Board adopt the proposed revised Policy 6.12, entitled "Overtime/Compensatory Time Off under Certain Circumstances."

[Contact: Darron Davis, PX 48953.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on September 13, 2006. This revision would officially recognize that it is the policy of the District to grant eligible employees the use of compensatory time earned in place of cash payment for hours worked in excess of 40 hours during a work week, as allowed by the Fair Labor Standards Act or its implementing federal regulations.
- The revision would require administrators/supervisors to keep written agreements, on a District approved form, between the eligible employee and the appropriate administrator/supervisor, acknowledging awareness of the policy.
- An employee may accrue not more than sixty (60) hours of compensatory time per year (from August 16 of the current year through August 15 of the following year) based on the product of 1.5 times a maximum of forty (40) overtime hours. Compensatory hours not used during this designated accrual period will be paid to the employee at his/her current rate of pay effective with the last pay date in August of that following year.
- Employees who have in excess of sixty (60) compensatory hours already accrued on the day this Policy revision takes effect will have to reduce their compensatory time below sixty (60) hours before they can accrue additional compensatory time.
- Exempt employees, at the discretion of their department head, may be allowed to work a flexible schedule based on the needs and workload of the department, provided they will continue to work an eighty-hour work schedule during that pay period.
- If the provisions of a collective bargaining agreement conflict with this Policy, the provisions of the collective bargaining agreement will prevail.

**POLICY 6.12**

**OVERTIME/COMPENSATORY TIME OFF UNDER CERTAIN CIRCUMSTANCES**

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2  
3 1. Overtime/Compensatory Time  
4

- 5 a. Eligible employees covered under the Fair Labor Standards Act (“FLSA”) shall  
6 receive cash overtime, or compensatory time off in lieu of cash overtime,  
7 under certain circumstances as specified in the FLSA or the Code of Federal  
8 Regulations (“CFR”), for all hours worked in excess of forty (40) hours during a  
9 work week.  
10  
11 b. Employees who are exempt from coverage under the FLSA or the CFR are  
12 not eligible to accrue or take cash overtime or compensatory time.  
13  
14 c. All cash overtime or compensatory time shall be approved in writing by the  
15 appropriate administrator/ supervisor prior to the time being worked. Any  
16 employee who works overtime hours without obtaining authorization may be  
17 subject to disciplinary action.  
18  
19 d. It is the policy of the District to grant eligible employees the use of  
20 compensatory time earned in place of cash payment, as allowed by the FLSA  
21 and CFR.  
22  
23 e. For the purposes of cash overtime or compensatory time, the calculation of  
24 hours does not include paid leave, unless contrary to the terms of the  
25 applicable collective bargaining agreement, if any. Consistent with the FLSA  
26 and CFR, eligible employees must have actually worked and performed  
27 services on behalf of the District in excess of forty (40) hours during the course  
28 of a work week in order to be eligible to receive cash overtime or  
29 compensatory time off, unless contrary to the terms of the applicable collective  
30 bargaining agreement, if any.  
31  
32 f. Compensatory time will be administered through the District's Enterprise  
33 Resource Planning system. Time accrued and used by employees will be  
34 recorded and updated via the system's leave-management process. The  
35 administrator/supervisor human resources department shall keep the original,  
36 signed copy of the overtime agreement, and the administrator/supervisor shall  
37 keep a copy of the agreement and shall maintain and monitor detailed,  
38 accurate records of the related to cash overtime and/or compensatory time  
39 granted and taken by an eligible employee in the ERP system. These records  
40 shall include, at minimum:  
41

- 42 i. a copy of a District-approved form (overtime agreement) acknowledging  
43 awareness of this policy of the advance written agreement between the  
44 appropriate administrator/supervisor and , which shall be signed by the  
45 eligible employee and retained by the appropriate administrator/  
46 supervisor;  
47  
48 ii. ~~proof~~ time records documenting that the employee worked a forty (40)  
49 hour work week;  
50  
51 iii. ~~documentation~~ time records of hours worked in excess of forty (40) hours;  
52 and  
53  
54 iv. for cash overtime, ~~documentation~~ payment reports of hours paid in  
55 excess of forty (40) hours; and  
56  
57 v. for compensatory time, ~~documentation~~ leave reports of hours earned and  
58 taken in excess of forty (40) hours.  
59

60 2. Cash/Overtime.-- Eligible employees who meet the standards listed in Section (1),  
61 who worked in excess of forty (40) hours during a work week, and who are not  
62 being granted compensatory time off, shall be compensated at the regular rate of  
63 one and one-half (1.5) hours for each hour worked over forty (40). If an employee  
64 is no longer employed by the District, the former employee shall be paid promptly  
65 for all accrued overtime remaining.  
66

67 3. Compensatory Time Off  
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69 a. Compensatory time off shall be granted for eligible employees who meet the  
70 standards listed in Section 1 and who are not being compensated cash for  
71 overtime, by advance written agreement between the appropriate  
72 administrator/supervisor and an eligible employee, consistent with the terms of  
73 the applicable collective bargaining agreement, if any.  
74

75 b. Compensatory time off, when granted, must be at the regular rate of one and  
76 one-half (1.5) hours for each hour of overtime worked. The  
77 administrator/supervisor shall allow the employee to take compensatory time  
78 off at a reasonable time, so long as such use does not unduly impact the  
79 operation of the school/department.  
80

81 c. An employee may not accrue more than sixty (60) hours of compensatory time  
82 per year (from August 16 of a current year through August 15 of the following  
83 year) based on the product of 1.5 times a maximum of forty (40) overtime  
84 hours. Compensatory hours not used during this designated accrual period  
85 will be paid to the employee at his/her current rate of pay effective as of the

86 last pay date in August. The payment will be made to the employee no later  
87 than the last pay date of September.  
88

89 ~~d. Unless an extension is granted in writing by the administrator/supervisor, all~~  
90 ~~compensatory time accrued must be used by the eligible employee no later~~  
91 ~~than the end of the pay period subsequent to when it was accrued.~~  
92

93 e. Employees who had in excess of sixty (60) compensatory hours already  
94 accrued on the day this Policy revision took effect (in the fall of 2006) will have  
95 to reduce their compensatory time below sixty (60) hours before they can  
96 accrue additional compensatory time.  
97

98 f. Administrators/supervisors shall not require employees to work beyond the  
99 sixty (60) hour cap set forth in subsection (3)(c) above, unless the  
100 administrator/supervisor has available funds to pay overtime; in emergency  
101 circumstances all hours worked in excess of that cap must be paid out as  
102 overtime in the employee's next paycheck.  
103

104 g. All accumulated compensatory time must be used before the effective date of  
105 any leave of absence without pay.  
106

107 h. If an employee will be transferring to a new location/department/position or  
108 promoted from a non-exempt to an exempt position, the employee must use  
109 all accrued compensatory time off prior to the transfer or promotion; any  
110 compensatory hours not used prior to the transfer or promotion will be paid to  
111 the employee in the employee's next paycheck at the rate in effect at the time  
112 of payment.  
113

114 4. Exempt employees, at the discretion of their department head, may be allowed to work  
115 a flexible schedule based on the needs and workload of the department. These  
116 employees who work a flexible schedule will continue to work an 80-hour (eighty-hour)  
117 work schedule during that pay period.  
118

119 5. Collective Bargaining Agreements.-- If this Policy conflicts with the provisions of a  
120 collective bargaining agreement, the provisions of the collective bargaining  
121 agreement shall prevail.  
122

123 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 230.23005(6) 1001.43(6), (11);  
124 231.004 1012.23(1) 230.23005(11)

125 LAWS IMPLEMENTED: Fla. Stat. § 230.23005(6) 1001.43(6); 29 U.S.C. §§ 201-219;  
126 29 C.F.R. § 516; 29 C.F.R. § 548; 29 C.F.R. § 778

127 HISTORY: 4233.1, 4/6/83; 04/01/2002;  / 2006

Legal Signoff:

The Legal Department has reviewed proposed Policy 6.12 and finds it legally sufficient for development by the Board.

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Attorney

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Date