



POLICY 6.12

5-C I recommend that the Board approve development of the proposed revised Policy 6.12, entitled "Overtime/Compensatory Time Off under Certain Circumstances."

[Contact: Darron Davis, PX 48953.]

Development

CONSENT ITEM

- 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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3 1. Overtime/Compensatory Time
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- 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.
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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
68

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.
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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.

Attorney

Date