



POLICY 6.12

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

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Development

CONSENT ITEM

- This revision would officially recognize that it is the practice of the District for "nonexempt" employees to use compensatory time earned in place of cash payment for hours worked in excess of 40 hours during a work week.
- The revision would require supervisors to keep records of advance written agreements between the eligible employee and the appropriate supervisor, stating that the District's preference is for employees to use compensatory time earned in place of cash payment.
- An employee may accrue not more than 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 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.
- 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

1. Overtime/Compensatory Time

- a. Eligible employees covered under the Fair Labor Standards Act (“FLSA”) shall receive cash overtime, or compensatory time off in lieu of cash overtime, under certain circumstances as specified in the FLSA or the Code of Federal Regulations (“CFR”), for all hours worked in excess of forty (40) hours during a work week.
- b. Employees who are exempt from coverage under the FLSA or the CFR are not eligible to accrue or take cash overtime or compensatory time.
- c. All cash overtime or compensatory time shall be approved in writing by the appropriate administrator/ supervisor prior to the time being worked.
- d. It is the practice of the District for employees to use compensatory time earned in place of cash payment.
- e. For the purposes of cash overtime or compensatory time, the calculation of hours does not include paid leave, unless contrary to the terms of the applicable collective bargaining agreement, if any. Consistent with the FLSA and CFR, eligible employees must have actually worked and performed services on behalf of the District in excess of forty (40) hours during the course of a work week in order to be eligible to receive cash overtime or compensatory time off, unless contrary to the terms of the applicable collective bargaining agreement, if any.
- f. The administrator/supervisor shall keep detailed, accurate records of the cash overtime and/or compensatory time granted and taken by an eligible employee. These records shall include, at minimum:
 - i. a signed copy of the advance written agreement between the appropriate administrator/supervisor and the eligible employee;
 - ii. when the agreement is approved, a clear statement of the District's preference for employees to use compensatory time earned in place of cash payment;
 - iii. proof that the employee worked a forty (40) hour work week;
 - iv. documentation of hours worked in excess of forty (40) hours; and

- 46 v. for cash overtime, documentation of hours paid in excess of forty (40)
47 hours; and
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49 vi. for compensatory time, documentation of hours taken in excess of forty
50 (40) hours.
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52 2. Cash/Overtime-- Eligible employees who meet the standards listed in Section 1,
53 who worked in excess of forty (40) hours during a work week, and who are not
54 being granted compensatory time off, shall be compensated at the regular rate of
55 one and one-half (1.5) hours for each hour worked over forty (40).
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57 3. Compensatory Time Off
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59 a. Compensatory time off shall be granted for eligible employees who meet the
60 standards listed in Section 1 and who are not being compensated cash for
61 overtime, by advance written agreement between the appropriate
62 administrator/supervisor and an eligible employee, consistent with the terms of
63 the applicable collective bargaining agreement, if any.
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65 b. Compensatory time off, when granted, must be at the regular rate of one and
66 one-half (1.5) hours for each hour of overtime worked.
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68 c. An employee may accrue not more than sixty (60) hours of compensatory time
69 per year (from August 16 of the current year through August 15 of the
70 following year) based on the product of 1.5 times a maximum of forty (40)
71 overtime hours. Compensatory hours not used during this designated accrual
72 period will be paid to the employee at his/her current rate of pay effective with
73 the last pay date in August.
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75 d. ~~Unless an extension is granted in writing by the administrator/supervisor, all~~
76 ~~compensatory time accrued must be used by the eligible employee no later~~
77 ~~than the end of the pay period subsequent to when it was accrued.~~
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79 4. Collective Bargaining Agreements-- If this Policy conflicts with the provisions of a
80 collective bargaining agreement, the provisions of the collective bargaining
81 agreement shall prevail.
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83 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 230.23005(6) 1001.43(6), (11);
84 231.001 1012.23(1) 230.23005(11)

85 LAWS IMPLEMENTED: Fla. Stat. § 230.23005(6) 1001.43(6); 29 U.S. Code §§ 201-
86 219; 29 CFR § 516; 29 CFR § 548; 29 CFR § 778

87 HISTORY: 4233.1, 4/6/83; 04/01/2002; / 2006
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Legal Signoff:

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

Attorney

Date