



## POLICY 6.12

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

[Contact: Alvin Dunn, PX 47381; Darron Davis, PX 48953.]

### Development

### CONSENT ITEM

- This revision would officially recognize that it is the policy 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 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.
- 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 policy of the District for eligible 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. Compensatory time will be administered through the District' Enterprise Resource Planning system. Time accrued and used by employees will be recorded and updated via the system's leave-management process. The administrator/supervisor shall keep the original, signed copy of the overtime agreement and shall maintain and monitor detailed, accurate records of the related to cash overtime and/or compensatory time granted and taken by an eligible employee. These records shall include, at minimum:
    - i. a copy of a District approved form (overtime agreement) acknowledging awareness of this policy of the advance written agreement between the appropriate administrator/supervisor and shall be signed by the eligible employee and retained by the appropriate administrator/supervisor;
    - ii. proof time records documenting that the employee worked a forty (40) hour work week;

- iii. ~~documentation~~ time records of hours worked in excess of forty (40) hours; and
  - iv. for cash overtime, ~~documentation~~ payment reports of hours paid in excess of forty (40) hours; and
  - v. for compensatory time, ~~documentation~~ leave reports of hours earned and taken in excess of forty (40) hours.
2. Cash/Overtime-- Eligible employees who meet the standards listed in Section 1, who worked in excess of forty (40) hours during a work week, and who are not being granted compensatory time off, shall be compensated at the regular rate of one and one-half (1.5) hours for each hour worked over forty (40). If an employee is no longer employed by the District, the employee shall be paid promptly for all accrued overtime remaining.
3. Compensatory Time Off
- a. Compensatory time off shall be granted for eligible employees who meet the standards listed in Section 1 and who are not being compensated cash for overtime, by advance written agreement between the appropriate administrator/supervisor and an eligible employee, consistent with the terms of the applicable collective bargaining agreement, if any.
  - b. Compensatory time off, when granted, must be at the regular rate of one and one-half (1.5) hours for each hour of overtime worked. The principal/department head shall allow the employee to take compensatory time off at a reasonable time, so long as such use does not unduly impact the operation of the school/department.
  - c. 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 as of the last pay date in August. The payment will be made to the employee no later than the last pay date of September.
  - d. ~~Unless an extension is granted in writing by the administrator/supervisor, all compensatory time accrued must be used by the eligible employee no later than the end of the pay period subsequent to when it was accrued.~~
  - e. Administrators/Supervisors/Principals shall not require employees to work beyond the sixty (60) hour cap set forth in subsection 3(c) above, unless the

Administrator/Supervisor/Principal has available funds to pay overtime; in emergency circumstances all hours worked in excess of that cap must be paid out as overtime in the employee's next paycheck.

- f. If an employee will be transferring to a new location/department/position, prior to the transfer, the employee must take all accrued compensatory time off, or compensatory hours not used prior to the transfer will be paid to the employee in the employee's next paycheck at the rate in effect at the time of payment.
4. Collective Bargaining Agreements.-- If this Policy conflicts with the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

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

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

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

7/12/06  
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Date

