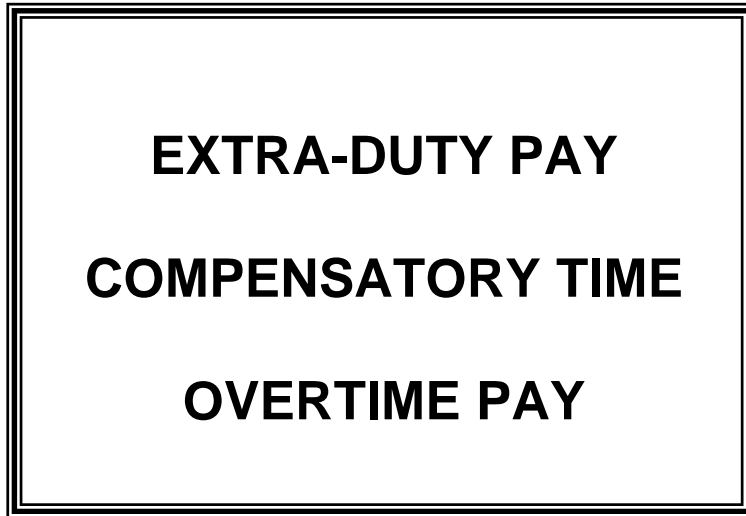


GUIDELINES FOR



FAIR LABOR STANDARDS ACT COMPLIANCE

Durham Public Schools Board of Education - Policy Number 5525

It is the policy of the Durham Public Schools Board of Education to comply with the wage and hour requirements of the Fair Labor Standards Act for all "nonexempt" employees.

5525.1 Work Week: For purposes of compliance with the Fair Labor Standards Act, the employee work week shall be from 12:01 a.m. Saturday to 12 midnight Friday. The Superintendent is authorized to designate different work weeks for various classes of employees.

5525.2 Compensatory Time: Employees who are not exempt from the overtime provisions of the Fair Labor Standards Act will accrue compensatory time (comp. time) at a rate of 1.5 hours for every hour worked beyond forty (40) hours in a single work week. Supervisors will make every attempt to modify an employee's schedule to avoid more than forty (40) hours of work in a given week.

No employee shall work overtime without the express approval of the supervisor.

No supervisor shall allow an employee to accumulate more than 40 hours of compensatory time without prior approval of the Superintendent. Employees must be allowed to use compensatory time within a reasonable period after requesting such use.

Compensatory time off, at a rate of one and one-half times the hours worked, will be the first option for compensating an employee for overtime. Only with appropriate authorization will nonexempt employees be compensated for overtime worked at a rate of one and one-half times their regular hourly rate of pay. Supervisors should encourage employees to use accumulated compensatory time during the pay period in which that compensatory time was earned.

If an employee holds compensatory time upon termination of employment, such time will be paid to the employee in accordance with the Fair Labor Standards Act and federal regulations.

5525.3 Overtime: Overtime hours (in excess of 40 hours a week in a given workweek) may be paid in accordance with the Fair Labor Standards Act and Wage and Hour regulations. Overtime should not be worked by nonexempt employees except in an emergency or extraordinary circumstances and with prior approval of the Superintendent or designee.

It is Durham Public Schools practice and policy to substitute compensatory time for overtime, as provided in section 5525.2 of this policy. All employees, including new employees, shall be informed of this practice.

5525.4 Volunteer Work: Employees may volunteer to work at school events, provided the work is clearly at the employee's option, is in a different capacity from the employee's regularly-assigned duties and is performed on an occasional or sporadic basis. Employees may not volunteer to provide the same type of service they are employed to perform for the school system. Such work shall be treated as regular work and be subject to hourly employment compensation.

Legal Reference: The Fair Labor Standards Act of 1938, as amended; 29 U.S.C. 201 et seq.
Adopted Effective: July 1, 1999

EXTRA-DUTY PROCESS **FLSA Professional Exemption**

EXTRA-DUTY only applies for those persons employed as teachers.

Extra-Duty Process:

- 1) Determine if the activity is outside of the normal parameters of the employee's position for which the employee was hired. If so, the employee may be eligible for extra-duty compensation for the additional activities.
- 2) The Principal/Department Head should complete the "Extra-Duty Pre-Approval Form" and send the original form to the appropriate Assistant/Associate Superintendent for approval. Any forms that we receive without proper approval will be returned.
- 3) The original properly approved form should be forwarded to the Budget office to verify that funds are available. **Only salary codes should be used to pay extra-duty funds. Example: X-5100-XXX-1XX (186, 121, 199) should be used only.** Financial Services will return the original form to the Principal/Department Head who initiated the process as indicated on the form.
- 4) When the work or project has been completed (or a portion completed for which compensation is due), the Principal/Department Head should complete the "Extra-Duty Completion Verification Form." The Principal/Department Head should **attach** the original "Completion" form to the "Pre-Approval" form and send to the PAYROLL office for processing no later than the 15th day of the month.
 - PAYROLL will NOT pay any employees for extra-duty without the original completion form and the "pre-approval" form in hand.

EXTRA-DUTY PRE-APPROVAL FORM
FLSA Professional Exemption

This form must be completed and approved PRIOR to any work being performed that may result in extra-duty pay being earned for an employee (available only for those persons employed as 10-month teachers). This form must be approved to support any extra-duty hours being recorded for an employee.

If extra-duty pay is to be awarded, a copy of the approved form must be sent with completion verification sheet for the employee with the monthly payroll package to the Payroll Department in Financial Services. A copy of the approved or denied request should be provided to the employee and the principal or director should retain a copy.

Employee location: _____ Date of request: _____

Name of employee performing tasks: _____

Employee SSN #: _____ - _____ - _____ Current position: _____

Dates of project/duties From: _____ To: _____

Total estimated hours: _____ per month _____ per week _____ per project

* Employee Signature: _____

Type of work to be performed:

Justification on why this work cannot be performed during a normal work schedule and what qualifications this employee has that are required for these duties:

Payment Type: Certified Rate ONLY

PAID: Monthly: _____ Upon Completion of Project: _____

Budget Code from which to pay the extra-duty funds: _____

APPROVED: _____ DENIED: _____ IF DENIED please provide explanation:

*Principal/Department Head: _____ Date: _____

*Assistant/Associate Superintendent: _____ Date: _____

*Finance Department: _____ Date: _____

EXTRA-DUTY COMPLETION VERIFICATION
FLSA Professional Exemption

This completion verification form must be completed and sent in with a copy of the approved Extra-Duty Pre-Approval form to Payroll in order for any payments to be made. This form must be approved to support any extra-duty hours being recorded for an employee and must correspond with the original pre-approval of those duties.

PAYROLL WILL NOT PAY THE EMPLOYEE UNTIL PAYROLL RECEIVES THIS COMPLETION VERIFICATION FORM WITH A COPY OF THE EXTRA-DUTY PRE-APPROVAL FORM.

The following is to verify that the employee has completed the extra-duty services (or portion of services) as outlined in the attached Extra-Duty Pre-Approval Form.

Employee location: _____

Employee name: _____

Employee SSN #: _____ - _____ - _____ Current position: _____

Date(s) services completed: _____ To: _____

Total number of hours for which compensation is now due: _____

Number of hours remaining for project (not yet due to be paid): _____

Employee signature: _____

Release of payment for services completed to the above-named employee is hereby authorized:

Principal/Department Head: _____ Date: _____

SEND COMPLETED FORM TO PAYROLL with a copy of the approved Pre-Approval Form NO LATER THAN the 15th day of the month to ensure the employee will be compensated in that month's payroll. Any forms received after that date will be captured in the following month's payroll.

OVERTIME or COMPENSATORY TIME **All employees subject to FLSA**

Compensatory Time and Overtime only apply to those employees who are subject to the Fair Labor Standards Act (FLSA). The following is the process to follow for those employees:

Overtime/Compensatory Time Process:

1. Determine if the activity is outside of the normal parameters of the employee's position for which the employee was hired. If so, the employee may be eligible for compensatory time or overtime for the additional activities.
2. Complete the "Compensatory Time Pre-Approval Form."
3. If the extra work is to be compensated by earning compensatory time, the school or department should keep a record of those hours and time worked, as well as the method for providing the compensatory time off. Financial Services does not need a copy of those forms or records.
 - Compensatory time earned should be rewarded within 30-days of earning the compensatory time and should not be allowed to be accrued excessively.
4. If the extra work is to be compensated through overtime pay, the Principal/Department Head should send the approved "Compensatory Time Pre-Approval" form with a time sheet that clearly shows the extra hours that match the pre-approval form to PAYROLL.
 - Both the form and timesheet should then be forwarded to the PAYROLL AREA in Financial Services for processing no later than the 15th day of the month.
 - Any completion forms submitted after the 15th day of the month cannot be guaranteed payment in that month's payroll cycle.
 - PAYROLL will NOT pay any employees for overtime without the approved pre-approval form and a matching time sheet in hand.

NOTE: The current Board of Education policy regarding the FLSA is policy number 5525. Please review this policy and share with your employees, especially those in a supervisory or exempt position. It should be noted, that per our Board policy, employees shall first be given compensatory time for any overtime worked (5525.3). Overtime pay is not permitted unless there is an emergency situation or the compensatory time is expected to be excessive, in which case you must obtain the Superintendent's or her designee's approval, PRIOR to the payment of overtime.

Compensatory Time “Comp-Time” PRE-APPROVAL Form
SUBJECT TO FLSA

This form must be completed and approved PRIOR to any work being performed that may result in compensatory time or overtime pay being earned for an employee subject to the Fair Labor Standards Act (FLSA). This form must be approved to support any overtime hours being recorded for an employee.

Approval allows the individual below to accrue compensatory time for the dates shown. This time may then be used under the “Other” option on the Leave Request Form (BD-16) subject to approval by the employee’s immediate supervisor. The Employee should designate under the “Other” that the leave is “Comp Time” so that it is applied to the appropriate balance.

Employee Location: _____ Date of Request: _____

Employee performing tasks: _____

Employee SSN #: _____ - _____ - _____

Employee’s current position: _____

Dates the work will take place: _____

Total number of estimated hours to be worked (over 40hrs per week): _____

Employee signature: _____ Date: _____

Type of work to be performed:

Justification on why this work cannot be performed during a normal work schedule:

APPROVED: DENIED: Payment Type: COMP or OT Pay*

IF DENIED please provide explanation:

Principal/Department Head signature: _____ Date: _____

*Associate Superintendent signature: _____ Date: _____
(required only if overtime pay is to be provided as compensation)

*Please provide a copy to the employee and the principal should retain a copy. **If overtime pay is to be awarded, a copy of the approved form must be sent with a time sheet for the employee as part of the monthly payroll package submitted to the Payroll Department in Financial Services.***