

**PERMITTED SALARY DEDUCTIONS FOR ABSENCES
AND DISCIPLINE OF EXEMPT EMPLOYEES**

Policy Code: **7560**

1 The **Transylvania County Board of Education (the “board”)** will comply with the salary basis
2 requirements of the Fair Labor Standards Act (FLSA) and applicable state laws and State Board
3 of Education policies. School employees who are classified as exempt under the FLSA must be
4 paid on a salary basis, which means that the employee regularly receives a predetermined
5 amount of compensation each pay period. This predetermined amount may not be reduced
6 because of variations in the quality or quantity of the employee’s work.

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8 Subject to the exceptions listed below, an exempt employee must receive the full salary for any
9 workweek in which the employee performs any work, regardless of the number of days or hours
10 worked. Exempt employees need not be paid for any workweek in which they perform no work.

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12 The board prohibits making improper deductions from the salaries of exempt employees. The
13 provisions provided in this policy do not require a deduction if an employee has applicable leave
14 available under the school’s leave policies.

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16 **A. DEDUCTIONS FROM PAY**

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18 1. Deductions from the pay of an exempt employee are permissible in the following
19 circumstances:
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21 a. for absences of one or more full day(s) for personal reasons other than
22 sickness or disability;
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24 b. for absences of one or more full day(s) due to sickness or disability if the
25 deduction is made in accordance with the school’s leave policies;
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27 c. to offset amounts employees receive as jury or witness fees or for military
28 pay; or
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30 d. for unpaid disciplinary suspension of one or more full days imposed in
31 good faith for workplace conduct rule infractions.
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33 2. In addition, the board may make partial day or full day deductions from salary in
34 the following circumstances:
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36 a. during the initial or final week of employment;
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38 b. for penalties imposed in good faith for infractions of safety rules of major
39 significance; or
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41 c. for weeks in which an exempt employee takes unpaid leave under the
42 Family and Medical Leave Act.
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44 **B. REPORTING IMPROPER DEDUCTIONS**

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46 If an employee believes that an improper deduction has been made to his or her salary,
47 the employee should report this information to his or her direct supervisor as soon as
48 possible. Any supervisor who receives a report of an alleged improper deduction must
49 notify the payroll department immediately.

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51 Reports of improper deductions will be promptly investigated. If it is determined that an
52 improper deduction has occurred, the employee will be promptly reimbursed for the
53 improper deduction.

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55 If the complaining employee is not satisfied with the investigation concerning improper
56 deductions, he or she may file a grievance pursuant to policy 1750/7220, Grievance
57 Procedure for Employees.

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59 Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*

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61 Cross References: Grievance Procedure for Employees (policy 1750/7220), Leave of Absence
62 (policy 7510), Family and Medical Leave (policy 7520), Military Leave (policy 7530),
63 Voluntary Shared Leave (policy 7540)

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65 Adopted:

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