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1 **Exempt and Non-Exempt Employees**

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3 Certain employees are exempt from coverage under the Fair Labor Standards Act (“FLSA”) and
4 are not subject to compensation for overtime work. Exempt employees include executive,
5 administrative, and professional employees such as teachers, counselors, supervisors, and
6 administrators. The Superintendent will insure that job positions are classified as either exempt
7 or non-exempt and that employees are made aware of such classifications. Any employee or
8 supervisor who is unsure if an employee is “exempt” under the FLSA should contact the
9 Superintendent or Personnel Director. A copy of any administrative procedures established by
10 the Superintendent for compliance with the FLSA and with this policy shall be available to
11 employees.

12
13 **Work Week Defined**

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15 The standard work week for all employees shall consist of seven consecutive calendar days
16 commencing on ~~Saturday~~ **Sunday** at 12:01 a.m. and ending on the following ~~Friday~~ **Saturday** at
17 midnight.

18
19 **Compensable Time**

- 20
21 A. The school system is not obligated or required to provide meal breaks or meal periods to
22 employees over 16 years of age. However, any meal break or meal period provided at the
23 school system’s discretion shall be considered as compensable time unless the meal break
24 or meal period is at least 30 minutes in duration, and provided that the non-exempt
25 employee is completely relieved of duty for the purpose of eating a regular meal and is
26 free to leave the worksite for this period. Employees having a bona fide meal period may
27 eat in a school cafeteria or break area at the worksite; however, the non-exempt employee
28 shall not engage in any work during this period except for a rare and infrequent
29 emergency for which time they are paid.
- 30
31 B. The school system is not obligated or required to provide rest breaks or rest periods to
32 employees over 16 years of age. However, any rest break or rest period provided at the
33 school system’s discretion totaling 30 minutes or less in a work day shall be counted as
34 compensable time. Any rest break or rest period totaling more than 30 minutes in a work
35 day shall not be counted as compensable time.
- 36
37 C. Waiting time that is required by an employee’s supervisor shall be considered as
38 compensable time.
- 39
40 D. If a non-exempt employee is required to return to work in an emergency situation after
41 normal working hours, then the non-exempt employee's compensable time shall include
42 his/her travel time to and from the work location and his/her home.

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- 43 E. If a non-exempt employee agrees to work after normal working hours on a regular
44 schedule, the additional travel time to and from work shall not be counted as
45 compensable time.
46
- 47 F. Any time a non-exempt employee is permitted to work beyond normal working hours
48 shall be considered as compensable time. It is the duty of the supervisor to exercise
49 control over the hours worked by non-exempt personnel and to ensure that overtime
50 hours are not worked unless pre-approved by the supervisor.
51
- 52 G. Hours shown on timesheets for holidays, annual leave or vacation days, and sick leave do
53 not count as hours actually worked for the purposes of overtime calculation.
54
- 55 H. Employees who freely, willfully, and voluntarily give their time to the school system in
56 the performance of services which are clearly and substantively different from the
57 services they render in the performance of their regular position of employment are not
58 entitled to the minimum wage or overtime compensation under the FLSA for such
59 voluntary services. Teacher assistants shall not be allowed to volunteer their time for any
60 activities involved in the supervision of students or student activities even in another
61 school.
62

63 **Relative Responsibilities of Supervisors**

- 64
- 65 A. In general, principals, directors and other supervisory personnel shall arrange and control
66 the work schedules of the classified personnel in their school or department so that
67 required work will be accomplished within the 40-hour work week without necessitating
68 the use of overtime as defined by the FLSA and this policy.
69
- 70 B. However, if, in the opinion of a principal, director, or supervisor, overtime work is
71 necessary, it shall be administered in accordance with the FLSA and this policy.
72

73 **Authorization for Overtime Compensation for Non-Exempt Employees**

- 74
- 75 A. No overtime shall be worked by a non-exempt school system employee unless approved,
76 in advance, by the non-exempt employee's supervisor.
77
- 78 B. Reasonable efforts shall be made by supervisory personnel to provide non-exempt
79 employees with time off from work on an hour-for-hour basis within the same work week
80 to prevent the accumulation of overtime hours.
81
- 82 C. Overtime work, when properly authorized and not compensated for within the same work
83 week, shall be compensated by time off with pay at the rate of one and one-half hours of
84 compensatory time for each hour of overtime worked.
85

- 86 D. Overtime pay, at the rate of one and one-half times a non-exempt employee's regular
87 hourly rate of pay, may be provided as compensation for overtime work only when pre-
88 approved by the appropriate supervisor and when funds are appropriated and available for
89 this purpose within the school system's budget.

90
91 **Compensatory Time for Non-Exempt Employees**

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93 The school system reserves the right to grant compensatory time in lieu of paying employees
94 monetary compensation, and by accepting continued employment the employee agrees to accept
95 compensatory time as provided in this policy.

- 96
97 A. An employee who has accumulated overtime hours shall be granted compensatory time
98 off from work by his/her supervisor if the use of compensatory time does not unduly
99 disrupt the operations of the school, office, or department.
- 100
101 B. An employee may not accumulate more than 40 hours of overtime (60 hours of
102 compensatory time).
- 103
104 C. Compensatory time must be consumed within the same fiscal year during which the
105 overtime hours are worked and accumulated.
- 106
107 D. With the exception of designated annual leave days for ten-month employees, employees
108 may be required to use any compensatory time balance prior to using accrued annual
109 leave (vacation) or sick days.
- 110
111 E. An employee covered by the FLSA who has accumulated overtime at the time of
112 termination, separation, or retirement shall be paid for the unused compensatory time at a
113 rate of compensation equal to his/her hourly rate of pay.

114
115 **Record Keeping**

116
117 Timesheet records shall accurately and completely reflect actual time worked by employees, and
118 shall be maintained by supervisors for a period of five years.

- 119
120 A. Start and stop times shall be accurately recorded to the nearest five minutes on the
121 employee's time sheet.
- 122
123 B. The total number of hours worked each day and each week shall be computed and
124 recorded to the nearest minute.
- 125
126 C. The total number of overtime hours worked in each work week shall be computed and
127 recorded on the time sheet.

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- 129 D. The running balance of compensatory time shall be computed and recorded on the time
130 sheet.
- 131
- 132 E. All hours of compensatory time used shall be accurately recorded on the time sheet and
133 deducted from the employee's running balance.
- 134

135 **Attendance Expectations**

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137 All employees are expected to be present during all working hours. Absence without prior
138 approval, chronic absences, habitual tardiness, or abuses of designated working hours are all
139 considered neglect of duty and will result in disciplinary action up to and including dismissal.

140

141 *Legal References:*

142

143 *The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, et seq.*
144 *N.C.G.S. 115C-47(18), -288, -307*
145 *NC Public School Personnel Employee Salary & Benefits Manual*

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149 APPROVED BY BOARD
150 AND EFFECTIVE 10/20/03

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