

Exempt and Non-Exempt Employees

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

Work Week Defined

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

Compensable Time

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

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

Relative Responsibilities of Supervisors

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

Authorization for Overtime Compensation for Non-Exempt Employees

- A. ~~No overtime shall be worked by a non-exempt school system employee unless approved, in advance, by the non-exempt employee's supervisor.~~
- B. ~~Reasonable efforts shall be made by supervisory personnel to provide non-exempt employees with time off from work on an hour-for-hour basis within the same work week to prevent the accumulation of overtime hours.~~
- C. ~~Overtime work, when properly authorized and not compensated for within the same work week, shall be compensated by time off with pay at the rate of one and one-half hours of compensatory time for each hour of overtime worked.~~
- D. ~~Overtime pay, at the rate of one and one-half times a non-exempt employee's regular hourly rate of pay, may be provided as compensation for overtime work only when pre-~~

approved by the appropriate supervisor and when funds are appropriated and available for this purpose within the school system's budget.

Compensatory Time for Non-Exempt Employees

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

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

Record Keeping

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

- A. — Start and stop times shall be accurately recorded to the nearest five minutes on the employee's time sheet.
- B. — The total number of hours worked each day and each week shall be computed and recorded to the nearest minute.
- C. — The total number of overtime hours worked in each work week shall be computed and recorded on the time sheet.
- D. — The running balance of compensatory time shall be computed and recorded on the time sheet.
- E. — All hours of compensatory time used shall be accurately recorded on the time sheet and deducted from the employee's running balance.

Attendance Expectations

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

Legal References:

~~—The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, et seq.~~

~~—N.C.G.S. 115C-47(18), 288, 307~~

~~—NC Public School Personnel Employee Salary & Benefits Manual~~

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