

The Lordsburg Municipal School District (LMS) will follow all requirements set forth in the Fair Labor Standards Act (FLSA). Non-exempt employees covered by the FLSA will be identified and compensated for overtime hours in accordance with this policy. All district supervisors and administrators must ensure that FLSA provisions relating to overtime and hours worked are strictly adhered to, in compliance with federal law.

I. DEFINITIONS

Compensatory (comp) Time - means time off in lieu of monetary compensation for time worked beyond the employee's regularly scheduled work hours within any given workweek. Compensatory time is calculated at one hour for each extra hour worked in any one workweek, and it is calculated at one and one-half hours for each overtime hour worked in any one workweek.

Non-exempt Employees - means those employees included in the overtime provisions of FLSA, i.e., all non-professional employees except those having significant discretionary authority in their assignments and making an annual salary beyond the base threshold set within the FLSA.

Extra Hours - means hours worked in excess of an employee's regularly scheduled work hours and up to forty hours within any one workweek.

Overtime Hours - means hours worked in excess of forty hours in any one workweek.

Workweek - means a seven-day period beginning at 12:01 a.m. on Sunday and ending at midnight on the following Saturday.

II. WORK HOURS

All non-exempt employees shall be scheduled to work forty hours or less per week within the established workweek unless dual assignments meeting the Superintendent's approval are made.

LMS is not required by law to provide paid rest breaks. However, for non-exempt employees not receiving a lunch break, a paid rest break of up to fifteen minutes may be granted at their supervisor's discretion. Any granted rest break shall not be used to adjust the employee's work schedule to allow for late arrival or early leaving on any basis. Any granted rest break not taken when granted will be forfeited and cannot be "made up" at any other time.

Regular work schedules are determined individually by the supervisor and are subject to the Superintendent's approval.

Employees must have supervisor approval before working through a scheduled lunch break and before working any extra hours and/or overtime hours.

Any full time employee whose regular work week is less than 40 hours per week may be assigned additional work that brings the employee's workweek up to 40 hours before he/she is eligible for overtime compensation.

III. EXTRA AND OVERTIME HOURS

Non-exempt employees who work extra hours and/or overtime hours shall be compensated either monetarily or by being granted compensatory time as defined in this policy. Payments or comp time accrual shall be computed on the basis of hours actually worked during a single workweek, as recorded on the employee's timesheet. Holidays, vacation, sick leave, emergency leave, and any other hours paid but not worked are not hours worked for the purpose of calculating compensation for extra and overtime hours.

Extra and overtime hours shall not be used routinely to complete regular job responsibilities. A non-exempt employee will be allowed to work hours in excess of the employee's regularly scheduled hours only upon the written prior approval of his or her immediate supervisor, except in case of emergency. In the event of an emergency, the employee must make a reasonable attempt to obtain prior approval from his or her supervisor for any extra and overtime hours involved. If prior approval cannot be obtained, the employee must notify the supervisor as soon as possible that excess hours were worked and the nature of the contributing emergency.

Any employee who works extra or overtime hours without authorization by his or her supervisor may be subject to disciplinary action, up to and including termination.

The employee's timesheet, for the workweek during which excess hours were worked, must include verifiable documentation of the additional hours worked.

IV. COMPENSATION FOR EXTRA AND OVERTIME HOURS

A non-exempt employee who has worked extra and/or overtime hours will be compensated by receiving compensatory time if deemed practicable and if approved in writing by the Superintendent or his/her designee. Earned compensatory time must be used within fifteen days of when it was earned.

Compensatory time shall not be accrued in excess of twenty hours. An employee who has accrued twenty compensatory hours may work additional overtime only with approval of the Superintendent or his/her designee. Such employee who has accrued twenty hours of compensatory time shall, for all additional overtime hours of work approved by the Superintendent, be paid overtime.

If the supervisor determines that compensatory time is not practicable in any set of circumstances, the superintendent may approve monetary compensation for the extra and overtime hours worked.

V. RECORDS

All non-exempt employees covered by this policy are required to maintain a daily time record per district procedures, showing actual hours worked and noting the times taken for meal periods. The employee's immediate supervisor must sign the employee's timesheet for the workweek, acknowledging that the work hours set forth on the record are true and accurate.

Failure to maintain accurate time records, or falsification of such records, may be grounds for disciplinary action. An employee shall never work unreported extra or overtime hours, and no supervisor shall knowingly allow this to occur.

VI. EMPLOYEE VOLUNTEERS

Non-exempt employees may not volunteer their time and service with LMS when the volunteer hours involve the same or substantially similar type of service for which the employee is employed to perform. In other words, these employees may not volunteer to do what they are otherwise paid to do. Factors to consider in determining whether this policy is being complied with include:

- A. The duties of the employee; and
- B. The facts and circumstances in each particular case, including whether the volunteer service is closely related to the actual duties performed by or responsibilities assigned to an employee.

VII. ON-CALL STATUS

A non-exempt employee who is required to remain on call on the employer's premises, or so close thereto that the employee cannot use the time effectively for his/her own purposes, is working while "on-call." An "on-call" employee who is not required to remain on the employer's premises, but is merely required to leave word where he/she may be reached, either by telephone or electronic communication device (i.e., waiting to be engaged), is not considered to be working while "on-call." When the employee in such a situation is notified to report for work, only the hours worked and travel time to and from the work place are counted as hours worked. If, however, the "on-call" conditions are so restrictive that the employee is not free to use the intervening periods effectively for his/her own purposes (i.e., engaged to wait) such waiting time "on-call" will also be counted as hours worked. Supervisors may only assign employees to be restrictively "on-call" with the Superintendent's approval.

VIII. TRAVELING AWAY FROM HOME/COMMUNITY

Travel that keeps a non-exempt employee away from home overnight is travel away from home/community. Travel time away from home/community is work time when it cuts across the employee's regular scheduled workday. The time is not only hours worked on regular workdays during normal working hours but also during the corresponding hours on non-workdays. Therefore, if an employee regularly works from 8:00 a.m. to 5:00 p.m. Monday through Friday, the travel time during these hours is work time on Saturday and

Sunday as well as other days. Regular meal periods are not counted. That time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, bus or car is not considered as work time. However, if an employee is the operator of the vehicle used in such travel, time spent outside regular working hours operating the vehicle for travel purposes shall be considered as work time.

IX. EMPLOYEES NOT COVERED BY OVERTIME COMPENSATION PLAN

This overtime compensation plan does not apply to executive, administrative, professional, salaried classified, or licensed teacher employees.

X. ACKNOWLEDGEMENT FORM

All employees who are in overtime compensation covered positions shall be given a copy of this policy and sign an “acknowledgement” form as a condition of employment.