

8.11WF—OVERTIME, COMP TIME, AND COMPLYING WITH FLSA

The West Fork School District shall comply with those portions of the Fair Labor Standards Act (FLSA) that relate to the operation of public schools. The FLSA requires that covered employees receive compensation for each hour worked at greater than or equal to the applicable minimum wage for workweeks of less than or equal to forty (40) hours. It also requires that employees be compensated for workweeks of greater than forty (40) hours at one and a half (1½) times their regular hourly rate of pay, either monetarily or through compensatory time off.

Definitions

“Covered Employees” (also defined as non-exempt employees) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.

Exempt Employees are those employees who are not covered under the FLSA because the employee’s:

1. Primary job duties are considered to be exempt eligible due to being administrative or professional in nature. Examples include teachers, counselors, registered nurses, and supervisors; and
2. Salary meets or exceeds a minimum weekly/annual amount.

Any employee who is unsure of their coverage status should consult with the District’s Administration.

“Overtime” is hours worked in excess of forty (40) per workweek. Compensation given for hours **not** worked such as for holidays or sick days does **not** count in determining hours worked per workweek.

Regular Rate of Pay includes all forms of remuneration for employment and shall be expressed as an hourly rate. For those employees previously paid on a salary basis, the salary shall be converted to an hourly equivalent. Employees shall be paid for each and every hour worked.

“Straight time pay” is the amount of hourly compensation an employee receives for each hour worked during that week.

“Workweek” is the seven-day consecutive period of time from 12:00 AM on Sunday to midnight on the following Saturday. Each workweek is independent of every other workweek for the purpose of determining the number of hours worked and the remuneration entitled to by the employee for that week.

Employment Relationships

The District does not have an employment relationship in the following instances: 1\ Between the District and student teachers; 2\ Between the District and its students; 3\ Between the District and individuals who as a public service volunteer or donate their time to the District without expectation or promise of compensation.

The District does not have a joint employment relationship in the following instances.

- a.
- b. Between the District and off-duty policemen or deputies who are hired on a part-time basis for security

purposes or crowd control. The District is separate from and acts independently of other governmental entities.

- a.
- b. Between the District and any agency contracted with to provide transportation services, security services,

substitute teachers or other temporary employees, or other services.

Hours Worked

Employees shall be compensated for all the time they are required to be on duty and shall be paid for all hours worked each workweek. Employees shall accurately record the hours they work each week. The District shall determine the manner to be used to accurately record the hours employees work.

Employees whose normal workweek is less than forty (40) hours and who work more than their normal number of hours in a given workweek may, at the District’s option, be given compensatory time for the hours they worked in excess of their normal workweek in lieu of their regular rate pay. Compensatory time given in this manner shall be subject to the same conditions regarding accumulation and use as the compensatory time given in lieu of overtime pay.

Breaks and Meals

Each employee working more than twenty (20) hours per week shall be provided two (2), paid, fifteen (15) minute duty-free breaks per workday. The employee may make a request to their supervisor to combine their two paid breaks together to be used for a meal break.

Covered employees who work thirty-five (35) hours or more a week and receive a duty-free meal period shall be entitled to receive the two (2) paid breaks for working more than twenty (20) hours.

Meal periods that are less than thirty (30) minutes in length or in which the employee is not relieved of duty are compensable unless their total work hours per day includes a paid lunch (cafeteria workers, custodians, and maintenance workers).

Employees with a bona fide meal period shall be completely relieved of their duty to allow them to eat their meal, which they may do away from their worksite, in the school cafeteria, or in a break area.

The employee shall not engage in any work for the District during meal breaks except in rare and infrequent emergencies.

Overtime

Covered employees shall be compensated at not less than one and a half (1.5) times his or her regular rate of pay for all hours worked over forty (40) in a workweek. Overtime compensation shall be computed on the basis of the hours worked in each week and may not be waived by either the employee or the District. Overtime compensation shall be paid on the next regular payday for the period in which the overtime was earned. The rate of overtime pay for employees who work two (2) or more jobs for the District at different rates of pay shall be determined by creating a weighted average of the different rates (a.k.a. blended rate). The weighted average will be calculated by multiplying the number of hours worked during that week for each position by the position's rate of pay, combining the resulting amounts for each position (straight time pay), and dividing the straight-time pay by the total number of hours the employee worked in that week. The weighted average will then be multiplied by one-half (0.5), which will then be multiplied by the number of hours the employee worked that week over forty (40).

Provided the employee and the District have a written agreement or understanding before the work is performed, compensatory time off may be awarded in lieu of overtime pay for hours worked over forty (40) in a workweek and shall be awarded on a one-and-one-half (1 1/2) time basis for each hour of overtime worked. The District reserves the right to determine if it will award compensatory time in lieu of monetary pay for the overtime worked. The maximum number of compensatory hours an employee may accumulate at a time is twenty (20). The employee must be able to take the compensatory time off within a reasonable period of time that is not unduly disruptive to the District.

An employee whose employment is terminated with the District, whether by the District or the employee shall receive monetary compensation for unused compensatory time. Of the following

methods, the one that yields the greatest money for the employee shall be used.

1. The average regular rate received by the employee during the last 3 years of employment. Or
2. The final regular rate received by the employee.

Overtime Authorization

There will be instances where the district's needs necessitate an employee to work overtime. It is the Board's desire to keep overtime worked to a minimum. To facilitate this, employees shall receive authorization from their supervisor in advance of working overtime except in the rare instance when it is unforeseen and unavoidable.

All overtime worked will be paid in accordance with the provisions of the FLSA, but unless the overtime was pre-approved or fit into the exceptions noted previously, disciplinary action shall be taken for failure to follow District policy. In extreme and repeated cases, disciplinary action could include the termination of the employee.

Leave Requests

All covered employees shall submit a leave request form prior to taking the leave if possible. If a request for leave was not possible in advance due to unforeseen or emergency circumstances, the leave form shall be turned in the day the employee returns to work. Unless specifically granted by the Board for special circumstances, the reason necessitating the leave must fall within District policy.

Payment for leave could be delayed or not occur if an employee fails to turn in the required leave form. Leave may be taken in a minimum of four (4) hour increments.

Record Keeping and Postings

The District shall keep and maintain records as required by the FLSA for the period of time required by the act.

The District shall display minimum wage posters where employees can readily observe them.

Cooperation with Enforcement Officials

All records relating to the FLSA shall be available for inspection by, and District employees shall cooperate fully with, officials from the Department of Labor (DOL) and/or its authorized representatives in the performance of their jobs relating to:

- a. Investigating and gathering data regarding the wages, hours, and other conditions and practices of

employment;

- a. Entering, inspecting, and/or transcribing the premises and its records;
- b. Questioning employees and investigating such facts as the inspectors deem necessary to determine

whether any person has violated any provision of the FLSA.

Legal References: 29 USC § 206(a), ACA § 6-17-2203

29 USC § 207(a) (1), 29 CFR § 778.100

29 USC § 207(o), 29 CFR § 553.50

29 USC § 213(a), 29 CFR §§ 541 et seq.

29 CFR § 778.218(a)

29 USC § 207(e), 29 CFR § 778.108

29 CFR § 778.105

29 CFR §§ 785.9, 785.16

29 CFR § 516.2(7)

29 CFR §§ 785.1 et seq.

A.C.A. § 6-17-2205 and 2207

29 CFR §§ 785.19

29 USC § 207(a), 29 CFR § 778.100, 29 USC § 207(o), 29 CFR §§ 553.20 – 553.32

29 CFR § 778.106

29 USC § 207(g) (2), 29 CFR § 778.115

29 USC § 207(o) (2) (A), 29 CFR § 553.23

29 CFR § 553.20

29 USC § 207(o) (4), 29 CFR § 553.27

29 USC § 211(c), 29 CFR §§ 516.2, 516.3, 553.50

29 CFR § 516.4

29 CFR §§ 516.5, 516.6

29 USC § 211(a) (b)

Date Adopted: June 8, 2009

Last Revised: July 17, 2017

Revision #1

Created 2026-03-03 01:27:03 UTC by Cory Robbins

Updated 2026-03-03 01:27:03 UTC by Cory Robbins