

The Pojoaque Valley School District shall comply with the overtime pay, compensatory time, and record keeping requirements of the Fair Labor Standards Act (FLSA). The FLSA requires that overtime be paid to nonexempt employees at the rate of 1.5 times the regular rate of pay for the number of hours worked in excess of 40 hours per work week.

All non-exempt employees shall be given a copy of this policy and sign an “Acknowledgment” form, as a condition of employment.

Exempt Employees – Certain employees are exempt from coverage under the FLSA and are not subject to compensation for overtime work. Exempt employees include executive, administrative, and professional employees, such as teachers, counselors, nurses, supervisors, and administrators. Employees or supervisors who are unsure if an employee is exempt from coverage shall consult the District’s Head of Human Resources. In addition, overtime compensation does not apply to independent contractors, or to person employed by agencies outside the District and work within the supervisory capacity of the District.

Hours Worked – The District’s normal workweek begins on Monday at 12:01 a.m. and ends on the subsequent Sunday at 12:00 p.m. Employees are expected to arrive and depart at the times specified by the District, unless requested to work overtime by their immediate supervisor. Employees shall accurately record hours worked during the week, including the exact time of arrival and departure from work and all overtime, by time sheet or time card. Supervisors and principals shall review, approve, and submit all time sheets or time cards to the payroll office prior to each pay period.

The hours worked by an employee who, at his or her option, engages in part-time occasional or sporadic employment for the District in a different capacity than his or her primary employment, shall be excluded from the calculation of hours for which the employee is entitled to overtime compensation.

If an employee, solely at his or her option, and with the prior approval of the Superintendent agrees to substitute during the scheduled work hours for another employee who is employed in the same capacity, the hours worked as a substitute shall be exclude by the District in the calculation of hours for which the employee is entitled compensation.

Authorization for Overtime Required – Employees shall not work overtime without the prior approval of their immediate supervisor, except in cases of emergency. Each employee responsible for the supervision of employees subject to the FLSA shall receive authorization from the Superintendent prior to authorizing overtime. An “emergency” is defined as those situations that, if not acted upon, will lead to property damage, injury to persons, or may cause the temporary closing of school. Examples of this are water line breaks and electrical problems.

Compensatory Time – The District reserves the right to grant compensatory time in lieu of paying employees monetary compensation for the amount of accrued overtime. Prior to employee’s performance of overtime work, the District and employee must agree in writing to the compensatory time arrangement. Employees must get their supervisor’s approval on when to

take compensatory time and must use the compensatory time no later than two (2) pay periods after it was earned.

Overtime Work Without Prior Approval – Employees covered by FLSA who work overtime without prior approval will be allowed to claim the hours worked in accordance with the FLSA. If the supervisor determines that the work was an emergency, it will be approved. If the supervisor determines that the performance of the work was unnecessary at the time it was performed, the employee will receive pay for the hours worked, but disciplinary action may be taken for failure to follow this policy. “Unforeseen or emergency in nature” is defined as those situations that, if not acted upon, will lead to property damage, injury to persons, or may cause the temporary closing of school. Examples of this are water line breaks and electrical problems.

Record Keeping and Posters – All records on wages hours, and other items listed in the record keeping regulations will be kept by the business office for the time specified by the FLSA. The District will display minimum wage posters at each District work site where employees will be likely to see them.

Legal References:     29 U.S.C. 207, Fair Labor Standards Act  
                              29 C.F.R. 516, *et seq.*, Fair Labor Standards Act