

EXEMPT AND NONEXEMPT EMPLOYEES

Definitions

Compensatory (Comp) Time – Time off awarded to nonexempt employees at the rate of one and one-half times the number of actual hours worked in excess of 40 in a workweek.

Exempt Employees – Those employees whose duties and compensation meet the requirements to be an exempt executive, administrative, professional or computer employee as defined in federal law and who are not eligible for overtime compensation or compensatory time.

Hours Worked – For the purposes of this policy, hours worked means all hours during which the individual is required to be on duty—generally from the required starting time to normal quitting time—and all hours an employee is permitted to work, in accordance with law. Meal periods of 30 minutes or longer and break periods of 20 minutes or longer do not count as hours worked as long as the employee is relieved of all duties and is free to leave his or her duty post. Breaks for nursing mothers to express breast milk are also not considered as hours worked.

Nonexempt Employees – This includes all district employees not specifically identified as exempt under federal law. This generally includes noncertificated staff; however, in some circumstances noncertificated staff members may qualify for exempt status. The Board directs the superintendent to ensure that job positions are classified as exempt or nonexempt and that employees are made aware of these classifications. Employees in doubt about their status should contact their immediate supervisor.

Overtime – Actual hours worked in excess of 40 hours in a workweek.

Compensation

Exempt and nonexempt employees will be compensated in accordance with the applicable Board policy. Unless otherwise permitted by law, exempt employees will be compensated on a salary basis. Nonexempt employees may be compensated on either a salary or hourly basis, although amounts paid for overtime work and deductions for unpaid leave will be calculated using an employee's regular hourly rate of pay. The district will comply with minimum wage laws, when applicable.

All nonexempt employees are required to complete a daily time record showing actual hours worked. Supervisors of nonexempt employees must verify the accuracy of such records on a weekly basis. Failure to maintain or verify such records or falsification of these records will be grounds for disciplinary action.

FILE: GBA
Critical

Overtime

The Board discourages overtime work by nonexempt employees. A nonexempt employee shall not work overtime without the express approval of his or her supervisor. Nonexempt employees who begin work earlier or work later than their assigned hours without prior authorization from their immediate supervisor are subject to discipline, including termination.

Unless a nonexempt employee works in one of the classifications listed in the "Comp Time" section of this policy, he or she will be paid one and one-half times his or her regular rate of pay for each hour of overtime.

Comp Time

The district uses comp time in lieu of overtime compensation for the following classifications of employees: clerical and accounting, paras, aides, XLT hourly employees, LPNs and technicians.

This policy constitutes an agreement or understanding in advance that these employees will be given comp time off for overtime work. Employees will be awarded such comp time off at the rate of one and one-half hours for each hour of overtime worked.

The following provisions apply to comp time:

1. Comp time may be accrued up to 240 hours (160 overtime hours). Overtime work beyond this maximum accrual will be monetarily compensated at the rate of one and one-half times the individual's regular rate of pay. The district may require an employee to use accrued comp time to avoid excessive accumulation or monetary liability.
2. Any accrued comp time must be used before any other allowable leave days. Every effort will be made to permit the use of comp time at a time mutually agreed upon by the individual and his or her supervisor. However, when the individual's absence would unduly disrupt the district's operations, the district retains the right to postpone comp time usage.
3. Upon leaving the district, individuals will be paid for any unused comp time at a rate not less than the higher of the average regular rate received by the employee during his or her last three years of employment or his or her final regular rate of pay.

Required Breaks

In accordance with law, the district will provide a reasonable break time for an employee to express milk for her nursing child each time the employee has a need to express for one year after the child's

birth. The district will provide a location, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public that employees may use to express milk.

* * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/08/1998

Revised: 02/10/2005; 02/10/2011; 12/10/2015; 06/09/2016; 01/12/2017

Legal Refs: Fair Labor Standards Act, 29 U.S.C. §§ 201 - 216
Garcia v. San Antonio Metro. Transit Auth., 469 U.S. 528 (1985)

Nixa Public Schools, Nixa, Missouri