

Compensation Laws

Fair Labor Standards Act (FLSA)

There are four (4) major provisions of the FLSA: Minimum Wage, Overtime Pay, Child Labor and Recordkeeping. Unless exempt, covered employees must be paid at least the minimum wage and not less than one and one-half times their regular rates of pay for overtime hours worked.

Positions considered exempt for FLSA purposes must meet one of the following exemptions:

- Executive
- Administrative
- Professional*
- Teachers
- Coordinators

*The Department of Labor has determined that substitute teachers whose primary responsibility is teaching the same subjects as the everyday teacher for whom they substitute are exempt under the FLSA.

Positions typically considered non-exempt for the purposes of the FLSA are noted below:

- Paraprofessional staff (clerical, aides and technical staff)
- Auxiliary (custodial, maintenance, food service, transportation, security/police, etc.)
- Substitute staff for paraprofessionals and auxiliary staff

The district has determined the exempt status of each position and recorded the status on a Job Description. Every employee is required to sign a job description each school year. The job description serves the function of notifying the employee of their respective job duties and responsibilities, but also their status under the FLSA.

The FLSA requires employers to:

- pay all covered nonexempt employees, for *all* hours worked, at least the Federal Minimum Wage of \$7.25 per hour effective July 24, 2009;
- pay at least one and one-half times the employees' regular rates of pay for all hours worked over 40 in the workweek;
- comply with the youth employment standards; and
- comply with the recordkeeping requirements

Hours Worked

Covered employees must be paid for *all* hours worked in a workweek. In general, compensable hours worked include all time an employee is on duty or at a prescribed place of work and any time that an employee is suffered or permitted to work. This would generally include work performed at home, travel time, waiting time, training, and probationary periods.

The district has established the following workweek for all non-exempt staff:

Monday 12:00 am through Sunday at 11:59 am

Specific FLSA guidelines include the following [*excerpts from FLSA Fact Sheet #22 are denoted in italics*]:

Suffered or Permitted to Work: *Work not requested but suffered or permitted to be performed is work time that must be paid by the district. For example, an employee may voluntarily continue to work at the end of a shift to finish an assigned task or to correct errors. The reason is immaterial. The hours are work time and are compensable.*

If the supervisor allows or permits the employee to perform the work, the hours are compensable. If the employee is not authorized to work, but performs the work anyway, the employee shall be paid for compensable work hours, but shall be subject to disciplinary action for failure to follow an administrative directive.

Waiting Time: *Whether waiting time is hours worked under the Act depends upon the particular circumstances. The facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time).*

If an employee is engaged to wait, such as a bus driver at a field trip, the waiting time shall be compensable. The District shall compensate the bus driver at his/her regular rate of pay for all driving and wait time hours.

Rest and Meal Periods: *Rest periods of short duration, usually 15 minutes or less, are common in industry (and promote the efficiency of the employee) and are customarily paid for as working time. These short periods must be counted as hours worked. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extension of the break will be punished. Bona fide meal periods (typically 30 minutes or more) generally need not be compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating.*

If a non-exempt employee is not completely relieved from duty [during a non-paid lunch break], he/she shall be compensated for the meal period. It shall be the employee's responsibility to notify his/her immediate supervisor in the event that a meal has been missed or they were not completely relieved of duty during a meal period. The compensable meal period shall be added to the employee's work hours in the Skyward True Time timekeeping system.

Travel time: *Attendance at lectures, meetings, training programs and similar activities need not be counted as working time only if four criteria are met, namely: it is outside normal hours, it is voluntary, not job related, and no other work is concurrently performed.*

Travel That is All in a Day's Work: Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.

Travel Away from Home Community: Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy the Division will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

Generally, non-exempt employees shall be compensated for hours at training, workshops, etc. if the training is job-related. An exception shall be for training to maintain a license or certification required to maintain their position, such as bus driver certification.

Hours while traveling away from the home community for training shall be compensable during the employee's normal work schedule (Monday-Friday) and during the same work schedule on Saturday and Sunday, regardless of the mode of transportation. Other hours while traveling shall be compensable if the employee is driving as opposed to a passenger. Non-exempt employees shall be paid their hourly rate for the qualified travel outside of normal work hours.

FLSA Fact Sheet #22 – Hours Worked

Overtime

Unless specifically exempted, employees covered by the Act must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay. The regular rate of pay includes all remuneration for employment except certain payments excluded by the Act itself.

Nonexempt employees are paid on either an Annualized Salary Method or Direct Hourly Method. All non-exempt employees shall be paid based on the *actual number of hours* worked per workweek. Employees paid on an annualized salary method are generally paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours.

Employees paid on an Annualized Salary Method

The total hours worked per workweek will be reviewed to determine if the employee exceeded their normal, annualized work hours. In the event that the employee exceeded their normal, annualized work hours, he/she shall be compensated for the additional hours in compensatory time (default) or paid time, as approved by the immediate supervisor. In the event that the employee did not work their normal, annualized work hours, he/she shall apply paid leave hour or be docked their regular rate of pay for the missed hours.

Employees paid on a Direct Hourly Method

The total hours worked per workweek will be extracted from the automated timekeeping system

(Skyward True Time) and imported to the payroll system (Skyward Finance). The Payroll Supervisor and Payroll Specialist will verify that all hours worked collected through the Skyward True Time system and imported to Skyward Finance match. Employees are encouraged to track their work hours to verify the total hours paid on their paycheck match their actual hours worked.

The FLSA provides that where State or local government employees, solely at their option, work occasionally or sporadically on a part-time basis for the same public agency in a different capacity from their regular employment, the hours worked in the different jobs shall not be combined for the purpose of determining overtime liability under the Act. (CFR 553.30)

The district has *opted* to pay all overtime hours through giving comp-time to clerical and paraprofessional staff, regardless of whether they worked solely at the employee's option on an occasional or sporadic basis, at the employee's straight or overtime rate of pay.

FLSA Fact Sheet #23 - Overtime

Compensatory Time

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. **The district has opted to allocate compensatory time for clerical and paraprofessional staff.** The following applies to all nonexempt clerical and paraprofessional employees:

- Employees can accumulate no more than 60 hours of comp time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee shall be required to use comp time before using available paid leave (e.g., sick, personal, vacation).

Any unused balance will be paid out at the end of each contract year.

EXTINUATING CIRCUMSTANCE

An hourly employee is subject to three (2) hours straight-time if he/she is contacted by their immediate supervisor during a holiday, early morning, evening, etc., to go lock up a campus, open a campus, meet law enforcement, shut off the fire alarm, or any related services.

- Please note that this is regardless of the time it takes to do so.

*It is imperative that an employee clocks in and clocks out every time an employee comes in to work.

Recordkeeping (Time Off)

All leave and absences for non-exempt and exempt staff shall be entered in Skyward Time Off and then Frontline (regardless of if a substitute is needed) by the employee. If applicable Time Off should be approved by the immediate supervisor before the time sheet is submitted by the employee.

Failure or non-compliance with the district's timekeeping procedures shall be subject to appropriate disciplinary action.

Recordkeeping (Timekeeping System)

Every covered employer must keep certain records for each non-exempt worker. The Act requires no particular form for the records, but does require that the records include certain identifying information about the employee and data about the hours worked and the wages earned. The law requires this information to be accurate.

The district has implemented the Skyward True Time timekeeping system to collect *all* work hours for non-exempt employees (excluding substitute educational aides and substitute teachers). **All work hours for the regular job, extra-duty assignments, training, missed lunches, waiting time, etc. shall be entered in the Skyward True Time timekeeping system.**

The Payroll Supervisor and Payroll Specialist shall extract all work hours from the Skyward True Time system and import to the Skyward Finance payroll system. The overtime option is turned off for the non-exempt employees (clerical and paraprofessional staff) paid on an annualized salary method (Type 2) since the district has opted to compensate all non-exempt employees for extra work hours with compensatory time. Overtime hours for all other non-exempt auxiliary employees paid on the direct hours method (Type 3) shall be imported from the Skyward True Time system to the Skyward Finance payroll system by the Payroll Specialist.

It shall be an employee's responsibility to ensure that all work hours are submitted in accordance with district pay cycles through the Skyward True Time system.

The appropriate immediate supervisor shall verify and submit all time sheets for non-exempt staff assigned to their campus or department according to the established payroll pay periods and deadlines. Refer to Pay Date Schedules.

Automated Timekeeping System

The Skyward True Time system allows an employee to clock in and out by scanning a district issued key card, True Time ID or logging into a district computer and accessing Skyward Employee Access and then Skyward True Time. The data is pulled by a network server computer and can be edited or corrected by an authorized district employee.

Time Clock Procedures:

The following procedures are to be used by all non-exempt and substitute staff for reporting all work hours through the Skyward True Time system:

- An employee may not report or be on a paid status until they clocked into Skyward True Time.
- An employee may clock in up to five (5) minutes prior to the official starting time.
- An employee may clock in up to five (5) minutes after the official starting time. (This grace period will not be considered an excuse for tardiness)
- An employee may clock out up to five (5) minutes after the official departure time.
- An employee may clock out up to five (5) minutes prior to the official departure time. (This grace period will not be considered a reason for early departure from assigned schedule)
- An employee must clock out when leaving their assigned work schedule or campus for personal reasons unrelated to assigned tasks
- Time sheet and time sheet adjustment forms (if applicable) should be submitted by employees no later than 12:00 pm on Mondays to immediate supervisor

All time clock corrections shall be submitted by the non-exempt employee on a district time sheet adjustment form and submitted to their immediate supervisor for approval and entry into the Skyward True Time system. The district time sheet adjustment form (included in the Appendix) must be used to report all time clock corrections such as missed punches. The time sheet adjustment form can be accessed on the payroll page on the district website through this link: https://app.informedk12.com/link_campaigns/time-sheet-adjustment-form?token=q4HRGgZe2vxByfUFFWrbdqGv

In addition, all leave and absences for non-exempt staff shall be entered in the Skyward Time Off and then Frontline (regardless of if a substitute is needed) by the employee. Time Off should be approved by the immediate supervisor before the time sheet is submitted by the employee.

Timeline for Time Sheets

- Time Sheet and Time Sheet adjustment form (if applicable) should be submitted by employees no later than 12:00 pm on Mondays.
- Time Sheet Adjustment form should be approved by campus administration/supervisor no later than 12:00 pm on Tuesdays.
- Adjustments from Time Sheet adjustment form should be made by second campus approver and submitted for final approval than no later than 12:00 pm on Wednesdays.
- Final approval of time sheets should be made no later than 12:00 pm on Thursdays.

Rounding Time Chart

According to the FLSA, an employer may disregard working time that is insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical

administrative matter be precisely recorded for payroll purposes. These periods of time are referred to as de minimis. Employers should establish rounding rules. (CFR 785.47)

Minutes rounding rules:

0 – 6 minutes = 0

7 – 14 minutes = .25

15 - 30 minutes = .50

38 – 52 minutes = .75

53 – 60 minutes = 1.00

An employee is responsible for clocking in/out. Employees must report lost badges or temporary misplacement of badges to their immediate supervisor within 24 hours.

- Failure or non-compliance with the district's timekeeping procedures shall be subject to appropriate disciplinary action.
- An employee who falsifies their timekeeping record or the timekeeping record of another employee shall be subject to immediate termination. Falsifying of time may include, but is not limited to: adjusting clocking or out for another employee.

Falsifying timekeeping records or directing or coercing others to do is a violation of the *Educator Code of Ethics*. [Refer to Board Policy DH Legal, Local and Exhibit]

An employee's due process for violation of the district's time off and timekeeping procedures shall be as follows:

1. Oral warning/discussion
2. Written counseling document
3. Recommendation for suspension
4. Recommendation for termination

Some situations or violations may warrant immediate termination or other disciplinary action.

Sample Timesheet

View Time Sheet

Time Sheet for : 09/19/2022 - 09/25/2022

Period Summary			
Type	Pay	Note	Hours
Timeoff		STATE PERSONAL	7h 30m
Work			31h 57m
Total Hours:			39h 27m
Original Hours Paid:			39h 30m
Requested Comp Time Clock Hours:			2h 00m
Adjusted Hours Paid:			37h 30m
Adjusted Hours Paid = Original Hours Paid - Requested Comp Time Clock Hours			

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Comp Time Totals				
Time Off Code	Days or Hours	Clock Hours Requested	Comp Time Factor	Time Off Allocated
COMP TIME EARNED 202 - 226 SS	Hours	2h 00m * 1	=	2h 00m
Totals		2h 00m		2h 00m

Daily Totals				
	Status	Note		Hours
Monday 09/19/22				
N/A	TOF	State Personal		7h 30m
			09/19/22	Total Hours: 7h 30m
Tuesday 09/20/22				
7:57 AM - 1:17 PM IN				5h 20m
1:17 PM - 1:40 PM LNCH				0h 23m
1:40 PM - 4:45 PM IN				3h 05m
			09/20/22	Total Hours: 8h 25m
Wednesday 09/21/22				
7:56 AM - 12:14 PM IN				4h 18m
12:14 PM - 1:11 PM LNCH				0h 57m
1:11 PM - 4:52 PM IN				3h 41m
			09/21/22	Total Hours: 7h 59m
Thursday 09/22/22				
8:07 AM - 12:10 PM IN				4h 03m
12:10 PM - 1:11 PM LNCH				1h 01m
1:11 PM - 4:47 PM IN				3h 36m
			09/22/22	Total Hours: 7h 39m
Friday 09/23/22				
8:04 AM - 1:03 PM IN				4h 59m
1:03 PM - 1:35 PM LNCH		forgot to clock back in, started working		0h 32m
1:35 PM - 4:30 PM IN				2h 55m
			09/23/22	Total Hours: 7h 54m Hours Paid: 5h 54m

Adjustments										
Workday	Type	Status	Adjusted			Original			Adjusted By	Note
			Start Time	End Time	Pay Code	Start Time	End Time	Pay Code		
09/23/22	Mod	LNCH	1:03 PM	1:35 PM	PYRSP	1:03 PM	1:52 PM			forgot to clock back in, started working
09/23/22	Mod	IN	1:35 PM	4:30 PM	PYRSP	1:52 PM	1:52 PM			

Employee: _____

Date: _____

Approved By: _____

Date: _____

Sample Timesheet Adjustment Form:



GREGORY-PORTLAND INDEPENDENT SCHOOL DISTRICT
TIME SHEET ADJUSTMENT FORM

THIS FORM IS REQUIRED TO REQUEST A CHANGE TO AN HOURLY EMPLOYEE'S TIME DUE TO AN ERROR OR FAILURE TO CLOCK IN OR OUT. IT IS THE EMPLOYEE'S RESPONSIBILITY TO UTILIZE THE SCHOOL DISTRICT TIME MANAGEMENT SYSTEM. ONCE THE FORM IS COMPLETE, PLEASE SUBMIT IT FOR YOUR IMMEDIATE SUPERVISORS APPROVAL.

EMPLOYEE NAME: _____ WEEK OF: _____

CAMPUS/DEPT: _____

	Time In	Lunch Out	Lunch In	Time Out
Monday:				
Tuesday:				
Wednesday:				
Thursday:				
Friday:				
Saturday:				
Sunday:				

DETAILED EXPLANATION FOR ADJUSTMENT:

EMPLOYEE SIGNATURE: _____ DATE: _____

ADMINISTRATOR NOTES:

ADMINISTRATORS SIGNATURE: _____ DATE: _____

CAMPUS/DEPT SECRETARY SIGNATURE: _____ DATE: _____