

MILFORD SCHOOL DISTRICT
Milford, Delaware 19963

POLICY

4223

OVERTIME and COMPENSATORY TIME POLICY

SUBJECT:

Overtime Service Authorization and Payment; Compensatory Time Accrual, Usage and Carry-forward balances in Lieu of Salary Payment for Overtime Service.

I. PURPOSE:

The purpose of this policy is to provide for the administration of the authorization to work overtime and payment for such overtime duty, as well as the accrual, accounting and use of compensatory time, in accordance with the Fair Labor Standard Act, Board Policies and Collective Bargaining Agreements.

II. LIMITATIONS:

1. Only FLSA nonexempt employees are eligible to receive payment for overtime and/or compensatory time. Employees in the following categories are eligible to receive payment for overtime and/or compensatory time for overtime:
 - Secretarial
 - Computer support technicians
 - Custodial/maintenance
 - Child nutrition
 - Para Professional
2. FLSA exempt employees are not eligible to receive overtime pay and/or compensatory time for overtime. Employees in the following categories are not eligible to receive payment for overtime and/or compensatory time for overtime:
 - Administrators
 - Instructional/professional faculty and staff
 - Building Chiefs

III. OVERTIME DUTY AUTHORIZATION:

1. Employee work shall be managed by the employee and their immediate supervisor to minimize the need for overtime duty.
 - Overtime shall accrue on a weekly basis.
 - Hours worked in excess of 37.5 per week shall be considered overtime hours. Hours worked in excess of 7.5 per day shall not be considered overtime hours unless and until the number of hours worked in that same week exceed 37.5 hours.
 - It is the responsibility of the employee's immediate supervisor to authorize or deny overtime duty.
 - It is the responsibility of the employee to record and submit all hours worked.
 - Overtime duty authorization shall be on the approved Overtime Authorization Form.
2. Overtime duty is to be scheduled and pre-approved using the Overtime Authorization Form and procedures in III. 2. above, to the extent possible.
3. Emergency overtime duty does not require pre-approval.
4. Upon mutual agreement between the employee and the immediate supervisor, the immediate supervisor shall complete either the Paid Overtime section or the Compensatory Time section of the Overtime Authorization Form.
5. Paid Overtime:
 - The total overtime hours worked for the week shall be recorded to the Overtime Authorization Form.
 - The immediate supervisor MUST indicate the budget source to pay the overtime payment. Overtime Authorization Forms that lack the budget source to pay the overtime hours will be returned to the immediate supervisor, thus possibly delaying payment of the overtime to the employee.
6. Compensatory Time:
 - The total overtime hours for the week shall be recorded on the Overtime Authorization Form. Compensatory time must be used as outlined in negotiated agreement.

7. The completed and signed Overtime Authorization Form shall be forwarded to the Central Office Payroll section for compensatory time accounting and/or payment of overtime hours as warranted.
8. It is the responsibility of the immediate supervisor to delegate and/or control signature authority for the authorization of paid overtime or compensatory time.

IV. OVERTIME DUTY PAYMENT:

1. All approved paid overtime over 37.5 hours per week shall be paid at one and one-half (1.5) the employees hourly rate of pay.
2. It is the responsibility of the immediate supervisor to assure that budget source funding is available prior to approving scheduled overtime duty that is to be paid.

V. COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAYMENT

1. Accrual: Approved compensatory time shall be accrued at a rate of one and one-half (1.5) hours for each hour worked in excess of 37.5 in a week.
 - Compensatory time shall be approved in accordance with the procedures set forth in **Section III** above.
 - Approved compensatory time shall be recorded on Overtime Authorization Forms and forwarded to the Central Office. Compensatory time must be used as detailed in negotiated agreement.
2. Accounting: The Milford School District Central Office Payroll department shall have the authority and responsibility to record and account for compensatory time accrual, usage and balances for all employees who accrue compensatory time.
3. Usage: Compensatory time leave must be requested, in writing using the existing standard leave request form, at least two (2) working days prior to the actual date of absence. Written approval must be secured from the employee's immediate supervisor for the compensatory time leave prior to the date of the absence.
 - Compensatory time requests shall be approved or denied with due regard to whether sufficient staff remains to provide for the operations of the school or the district.

- a. No more than 3 days of compensatory time (22.5 hours) may be taken within one pay period without the approval of the immediate supervisor.
 - b. Such requests for compensatory leave in excess of 3 days (22.5 hours) must be submitted at least seven (7) working days prior to the date of the leave in order to process and approve/deny.
4. Carry forward balance: It shall be the responsibility of the employee's immediate supervisor to manage the compensatory time balances of the employees within their span of authority.
 - Compensatory time balances shall be forwarded to the payroll department for initial establishment of the beginning compensatory balances.
 - a. Initial compensatory time balances shall be documented and approved by the immediate supervisor and administrator of the building/department prior to forwarding to the payroll department.
 - b. The Chief Financial Officer has the authority and responsibility to review initial compensatory time balances and audit the records that support the accrual of specific balances.
 - c. Any balances in question will be discussed with the employee prior to final determination.
 - d. Employees with initial compensatory time balances in excess of 45 hours shall meet with their immediate supervisor to develop a plan to reduce the balance so as to not exceed 45 hours. This plan is to be submitted with the initial compensatory time balance.
 - Compensatory time balances shall not exceed 45 hours. Compensatory time balances cannot be carried forward into a new fiscal year except as approved by the immediate supervisor and per the negotiated agreement.

VI. FLEXIBLE WORK SCHEDULES:

1. Flexible schedules shall be used to the extent possible within the work week to avoid the accrual of overtime hours that must be compensated as compensatory time and/or payment.

2. Voluntary flexible working schedules are permitted as mutually agreed upon by the immediate supervisor and the employee.
 - Voluntary flexible schedules shall not be approved if they disrupt the operations of the District.
 - All voluntary flexible schedules shall be approved in writing prior to the start of the flexible schedule.
 - The employee's immediate supervisor has the authority and responsibility to terminate and/or rescind an approved voluntary flexible schedule for cause.
3. Voluntary flexible working schedules shall be managed within a single work week so as to not accrue FLSA compensatory time.
4. Flexible work schedules shall be approved using the attached Flexible Schedule Authorization Form.

ADOPTED: 04/26/2004

AMENDED: 4/18/11, 11/25/13, 2/22/16