

Policy 1200 – Pay and Compensation Compensable Time Accruals and Payout

June 2019 Board Discussion Item

Background Information: Current Policy allows employees to carry a compensatory time balance of up to 240 hours for an unlimited time up to their resignation or retirement. Compensatory time is calculated as 1.5 times hours worked in excess of 40. Compensatory time accrued in years past will be paid out at the higher rate taking into consideration promotions, cost of living adjustments, and step increases and is not a budgeted item for pay out at the end of a career or in a different contract year. The following policy changes are recommended to avoid unaccounted budget obligations, limit the maximum accrual to no more than 40 hours, and to payout obligations at the end of the year in which it was incurred. Further, employees have accrued compensatory time off during weeks that they used sick leave. The changes are intended to correct these policy flaws.

Pay and Compensation Policy Changes

3.3.6. Overtime: Overtime worked may result in compensatory time off, additional compensation at regular rate of pay, or additional compensation at a rate equal to time and a half.

3.3.6.1. **Compensatory Time:** When the support of overtime hours is necessary, principals or managers are encouraged to manage those needs with compensatory time off.

- ~~Managers must allow the use of compensatory time during the contract year in which it was granted, or within a reasonable time during the following contract year.~~
- ~~When overtime work time is under 40 hours, the employee accrues one hour of compensatory time for each hour of work time.~~
- When overtime work ~~time~~ exceeds 40 hours in a work week, employees accrue compensatory time off at a rate of one and one-half hours for each hour of employment work in excess of the 40 hour work week.
- Authorized overtime beyond 40 hours in a work week will automatically accrue as compensatory time off. ~~Unless an exception is approved to exceed the maximum compensatory time off accrual limit of 40 hours, accumulated overtime in excess of 40 hours will be paid to the employee~~
- All compensatory time will be paid out at the end of the contract year in which it was accrued on July 31.
- In no case will an employee be allowed to accrue more than ~~240 hours~~40 hours of compensatory time off.
- Compensatory time accrual beyond the 40 hour maximum will be paid out in the month in which it was accrued.
- The financial obligation for overtime pay or compensatory time payout beyond the program's authorized budget will be the responsibility of the school or department authorizing or allowing the additional compensation. Journal entry

adjustments will be made to the appropriate accounts by the finance and accounting department.

- Unless approved in advance by the District Business Administrator, employees must not schedule or utilize substitute support when taking compensatory time off.
- Employees who accrue compensatory time off are entitled to payment for unused compensatory time upon termination.

3.3.6.2. ~~RESERVED~~ **Sick Leave and Compensable time:** When sick leave is used during the work week the employee must not work excess hours that will result in compensable time accrual. For example; John is sick on Monday and takes 8 hours of sick leave. Then on Tuesday through Saturday he works 36 hours. 36 work hours plus 8 hours sick leave equals 44 hours of obligated compensation to the employee and as such will create an accrual of 4 hours of compensatory time off. In effect, the employee has converted 4 hours of sick leave to 4 hours of compensatory time off. An employee's work week must be limited to a total of no more than 40 hours of compensation (sick leave plus work hours) in any week in which sick leave is used.

3.3.6.3. Any deviation from the assigned working hours MUST be approved in advance by the employee's supervisor or administrator. Advance approval from the administrator who controls the funding related to the position is required for overtime work that will result in additional compensation. Employees are not authorized to schedule or approve overtime work for themselves. Unauthorized use of overtime hours may result in disciplinary action being taken, up to and including termination. Exceptions are granted for advanced approval if the overtime is in support of unforeseeable or emergency circumstances and approval is obtained within one working day of the event.

3.3.6.4. Compensated overtime must be paid in accordance with the provisions set forth in the Fair Labor Standards Act. The Act generally requires payment for hours worked in excess of 40 hours per week at a rate equal to time and a half. If the scheduled workweek is less than 40 hours, extra hours up to 40, are paid at the regular rate.

3.3.7 For the purposes of FLSA 29 CFR Part 778, the District workweek begins on Sunday at 12:00 a.m. and ends the following week on Saturday at 11:59 p.m. (1-12-99) (9-9-08)

3.3.8. RESERVED

3.3.9. **Attendance and Time Accountability:** All non-exempt employees must regard coming to work on time, working their shift as scheduled, and leaving at the scheduled time as essential functions of their position. Each work location will have a time clock for use of non-exempt employees. Time clocks are used to record the official time for employee compensation.

3.3.9.1. Employees must comply with the following procedures:

- Swipe in at the beginning of the work schedule and swipe out at the end of the assigned work schedule.
- Swipe out at the beginning of a lunch period and swipe in at the end of a lunch period. Employees must not perform work while off the clock during a lunch period.

- Swipe in and/or out at any alternate work location such as the District Office when required to report to or depart from a work location other than the assigned location.
- Use your employee ID number at the time clock should you forget, lose or otherwise not have your employee identification card available when you swipe in or out. If you are unable to record your swipe in or out you must notify your immediate administrator / supervisor or designee within 24 hours.

3.3.9.2. Non-exempt employees must leave promptly at the end of their work schedule unless administration or supervision has authorized additional work time.

3.3.9.3. With the exception of Transportation Department employee who are paid by the minute, the District will count work-time in 15-minute increments, based on 7-minute averaging.

3.3.9.4. Failure to swipe in or out or failure to notify your immediate administrator / supervisor or designee may result in disciplinary action. Continuous failure to swipe in or out, even if the immediate supervisor is notified, may be considered abuse of these procedures and will result in disciplinary action up to and including discharge.

3.3.9.5. Buddy swiping, employee clocking in by swiping in another employee's identification card or using another employees ID number, will not be tolerated and will be considered falsification of records ~~and will result in disciplinary action up to and including~~ subjecting the employee to discharge.

3.3.9.6. Employees must call in and provide proper notice as defined below to administration or supervision of absent or tardy, unless a verifiable emergency makes such notification impossible.

3.3.9.7. "Proper notice" means that you call your administrator, principal, or manager at a designated number for such calls prior to the start of your shift and personally notify your supervisor or administrator about the problem, unless a verifiable emergency makes it impossible for you to do so. ~~Unless authorized to do so, it~~ is not sufficient to call in and leave a message with a coworker or someone else that is not in a supervisory or administrative position.

3.3.9.8. Non-exempt employees **must not** be suffered to work uncompensated time by working off the clock after hours at the office, school, or at home. All hours worked must be appropriately accounted for by swiping in at the beginning of the work shift and swiping out at the end of the work shift. Failure to appropriately track all hours worked using the time accounting system will be a basis for disciplinary action up to and including discharge.