

COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT

The School District of Colby will comply with the Fair Labor Standards Act (FLSA) by ensuring that nonexempt employees are guaranteed overtime protection.

Salary Requirement:

Employees who earn less than \$23,660 per year (or \$455 per week) are guaranteed overtime protection. FLSA regulations emphasize the importance of specific job duties in determining whether an employee is exempt.

Exemptions:

- Employees who have a primary duty involving management of the district or of a customarily recognized department may be exempt.
- Employees who regularly direct the work of two or more other full-time employees may be exempt.
- Employees who have the authority to hire or fire other employees or to consistently make suggestions or recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees may be exempt.
- Employees who have a primary duty involving performance of office or non-manual work directly related to the management or general business operations of the employer and who have a primary duty that includes the exercise of discretion and independent judgment with respect to matters of significance may be exempt.
- Employees whose primary duty requires advanced knowledge, defined as work predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment may be exempt.
- Employees who must acquire specialized academic training as a standard prerequisite into the occupation (holding an academic degree) are exempt.
- Computer employees who meet exceed either the \$455 per week salary or \$27.63 per hour rate may be exempt if their duties fall into the categories of: application of systems analysis techniques and procedures; design, development, analysis, creation, testing or modification of computer systems or programs, design documentation, testing, creation or modification of computer systems related to machine operating systems, or a combination of these duties.

The following list describes employees' status within the School District of Colby on the basis of job duties, compensation and responsibilities.

- A. Board Members: Non-covered
- B. Comptroller: Exempt
- C. Computer Technology Coordinators: Professional Exempt
- D. Cooks: Non-exempt
- E. Counselors: Professional Exempt
- F. Custodial Employees: Non-exempt
- G. Director of Buildings/Grounds: Exempt
- H. Food Service Director: Exempt
- I. Pre-School Teacher: Instructional – Professional Exempt
- J. Principal: Executive Exempt
- K. Psychologist: Professional Exempt
- L. Secretary: Non-exempt

- M. Student Teacher: Non-covered if receiving academic credit.
- N. Student Worker: Non-exempt
- O. Substitute Teacher: Professional Exempt
- P. Superintendent: Executive Exempt
- Q. Teachers: Professional Exempt
- R. Teacher Aides: Non-exempt
- S. Volunteers: Non-covered.

Compensation:

When additional hours beyond the weekly standard of 40 are required in the performance of job tasks, the District will provide the non-exempt employee the option of compensatory time logged at the time-and-a-half rate or hourly pay at the time-and-a-half rate and used within the contract period. No unused compensatory time may carry over to a subsequent contract year. Further, compensatory time must be exhausted before vacation leave is granted. Nothing will preclude supervisors from requesting an employee to “flex” the job assignment in a given week to accommodate an extraordinary exigency.

In establishing contracts for the District’s non-certified employees for employment in supervising/coaching/overseeing/coordinating extra-curricular activities involving students, the District will establish the contract on the basis of the federal minimum wage. All overtime will be based on the regular rate as it applies to the type of work performed.

Recordkeeping:

The District will maintain records for both non-exempt and exempt employees for three years.

Disputes Concerning Payment:

In the event an improper deduction is made from an otherwise exempt employee’s salary as a result of noncompliance with the FLSA and the employee informs the district in writing of the deduction error, the District will respond to the allegation regarding the improper deduction within ten days of receipt of the notice of the error, and will rectify deduction on the next payroll if it was made in error.

Payment for Sporadic Employment:

Noncertified employees may qualify for assignment to and payment for job assignments that are sporadic and are listed for payment in accordance with the District’s certified Master Agreement with the understanding that the employment is not an extension beyond the regular work week and, therefore, does not qualify for overtime pay.

Nothing in this policy will constrain the District from seeking to employ and remunerate the most highly qualified candidate for any job opening.

LEGAL REFERENCE: Fair Labor Standards Act of 1938, Ch. 676 52 Stat. 1060, 29 USC Ch. 8