

Wage-Hour Manual For Employees

Henry County Board of Education



Empower, Engage, Educate

**300 North Trawick Street
Abbeville, AL 36310
(334) 585-2206**

www.henrycountyboe.org

EQUAL EDUCATIONAL OPPORTUNITIES

(Board policy, 3.44) No student will be unlawfully excluded from participation in, be denied the benefits of, or subjected to discrimination in any program or activity offered or sponsored by the Board on the basis of race, ethnicity, color, disability, creed, national origin, sex, immigrant or migrant status, non-English speaking ability, or homeless status. The district also provides equal access to the Boy Scouts and other designated youth groups.

**Dr. La'Keisha Newsome, IDEA Coordinator
Dr. La'Keisha Newsome, Section 504 Coordinator
Jill Barber, Title I Coordinator
Jill Barber, Title II Coordinator
Jill Barber, Title III Coordinator
Jill Barber, Title IX Coordinator**

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EQUAL EMPLOYMENT OPPORTUNITY

(Board policy, 6.14.1) The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference. Subject to the limitations set forth in 3.9 the general complaint (grievance) policy 3.91 may be used to present any complaint alleging unlawful discrimination or harassment. Inquiries regarding compliance and complaint procedures can be directed to:

**Jodi Ennis, Payroll Department
Henry County Board of Education
300 North Trawick Street
Abbeville, AL 36310
(334) 585-2206, ext. 1228**

INTRODUCTION

The Fair Labor Standards Act of 1938 (FLSA) is a federal law that was created to restrict child labor, establish a fair (“minimum”) wage, and establish a 40-hour work week. The Act also included the requirement of overtime pay of “time and a half” when certain employees work more than 40 hours per week. The case of *Garcia vs. San Antonio* expanded the provisions of the law and its amendments to include certain employees in education. This **“WAGE-HOUR MANUAL FOR EMPLOYEES”** is designed to help the employees of Henry County Schools better understand the Fair Labor Standards Act (FLSA) as it relates to school personnel. Although the questions in this manual may use a specific position as an example, the information will relate to other positions as well. It is important that you read this booklet in its entirety.

Any employee with specific questions or concerns relating to wage-hour matters should contact his/her immediate supervisor. Should questions or concerns remain, he/she should contact the Human Resources/Payroll Department at 334-585-2206, ext. 1228.

THE EFFECT OF THE FAIR LABOR STANDARDS ACT

As authorized by the Board, the Superintendent (or designee) should determine the need for overtime work, reach an agreement or understanding with employees relative to overtime pay or compensatory time if at all possible, before the performance of any work, and compensate the employees for that overtime work or grant compensatory time. This additional compensation is generally provided by paying the employee for additional hours in excess of 40 hours. Time actually worked above 40 hours in a week is paid or awarded compensatory time at the rate of one and one half times. Compensatory time may be awarded in lieu of overtime.

The FLSA includes language that makes distinctions between **“exempt”** and **“non-exempt”** work. Employees in **“exempt”** positions do not receive overtime pay or compensatory time no matter how many hours they work in a workweek. They are, by definition, *exempt* from the overtime pay requirements of the FLSA. **“Exempt”** positions often include those in “specialty” fields requiring advanced degrees or the exercise of creativity, supervisory responsibility, or that create, interpret, and apply policy, and make decisions about significant matters. Executive/Senior Leadership positions also fall into the **“exempt”** category. Some examples of **“exempt”** positions may include certified public accountants, teachers, social workers, and departmental managers or directors.

Employees who work in “**non-exempt**” positions are *not exempt* from the overtime pay requirements of the FLSA. **Therefore, “non-exempt” employees are subject to the provisions of the FLSA and are eligible for additional compensation for work performed in excess of their assigned work schedule.**

Employees in **non-exempt**” positions often explain procedures, apply policy, are usually supervised, and typically require varying degrees of analytical and interpersonal skills. They are vital in representing the school system to the public and in carrying out its day-to-day activities. Some examples of non-exempt positions may include custodians, secretaries, bus drivers and bookkeepers. It is essential that accurate records of the specific time worked by each “**non-exempt**” employee be documented and maintained so each is compensated appropriately per the FLSA.

HENRY COUNTY BOARD OF EDUCATION

REQUEST FOR OVERTIME

Employee Name_____ **Location**_____
(Please print or type)

Date for which overtime/extended time is requested_____

Approximate number of hours requested_____

Explain work that will be done during this time_____

I understand that I must have the written approval of my principal or supervisor if at all possible before I perform work beyond 40 hours, I will be paid 1 1/2 times my regular hourly rate or will be granted compensatory time at a rate of 1 1/2 hours for every hour worked over 40 in the work week.

I also understand that overtime should be requested because there is a need for such work for the benefit of the school system and that it is not appropriate for me to request overtime for my benefit or convenience.

“Exempt” positions are not entitled to overtime pay or compensatory release time. Exempt employees are those that typically meet one or more of the following criteria:

- 1. Executive, administrative and professional certified employees.**
- 2. Non-certified employees (a) whose duties consist of the management of the enterprise in which they are employed; (b) who customarily direct the work of two or more employees; (c) who have the authority to hire or fire or whose suggestions and recommendations as to the hiring, firing, or other change of status decision for other employees will be given particular weight; and (d) who customarily and regularly exercise discretionary powers.**

| | | |
|---------------------------|--------------------------|-------------|
| Employee Signature | Employee Position | Date |
|---------------------------|--------------------------|-------------|

Administrator/Supervisor Signature **Date** ☐ **Approved**

Superintendent's Signature _____ Date _____ ☐ Not Approved

COMPENSATORY TIME PROCEDURES

- The work week for Henry County Schools is defined as Sunday at 12:01 A.M. through Saturday at 11:59 P.M.
- Each employee requesting overtime must complete the “Request to Work Overtime” form and submit and receive approval from their immediate supervisor if possible, in advance of working overtime. If it is not possible to receive advance approval, forms must be submitted within the pay period.
- If extra work extends the total time actually worked over 40 hours in the week, pay or comp time will be computed at 1 1/2 times the individual’s regular hourly rate of pay.
- All overtime will be recorded in minimum time units of one-quarter hour (15 minute increments) to the nearest hour.
- All employee leave (sick, vacation, personal) will be recorded in half day (1/2 day) increments.
- At the end of each week, employees will review and approve their record of time worked. Employees should carefully review the record before approval since record approval is verification by the employee that all time is recorded accurately. Any discrepancy should be resolved **BEFORE** the following week and before being submitted for payroll.
- All comp/overtime earned or taken must be recorded before the monthly payroll cutoff date and before being submitted to the Payroll Department.
- Any time an employee is absent and their time is not made up during the same week, the appropriate leave forms must be requested within that week. It is not acceptable to make up time in the following weeks; this is considered swap time and is not allowed.
- In order for payroll to consider any comp/overtime as valid, you must sign in and out and your supervisor must sign your timesheet approving the overtime. All comp time forms must be completed before the payroll cutoff date and before being submitted to the Payroll Department for processing.
- In order to use comp/overtime, it must be accrued in advance.
- An employee who would like to use some of his/her accumulated comp time should complete the employee leave form and select “Comp Time” as the reason for being off. The request will be reviewed by the principal or supervisor and will be approved unless there is a legitimate business reason for denial. An employee who uses comp time without prior approval from the principal or supervisor is subject to disciplinary action. Repeated offenses may be cause for termination.
- Use of comp time can be for any amount of time, up to and including a full day.

COMPENSATORY TIME PROCEDURES - Continued

- When payroll is computed, if an individual has less than the required number of hours for the pay period, any accumulated comp time for that individual will be used to avoid “docking” the employee’s pay.
- The Board reserves the right to require an employee to use compensatory time and may “pay down” any compensatory time balance in its discretion. Payment will be subject to retirement withholding, federal, and state taxes. Payment will be calculated based on the current hourly rate in effect at that point in time.
- If an employee would like to request payment for accumulated comp time, he/she should complete the appropriate section of the “Compensatory Time – Payment Request” form. For the employee to receive payment on the next regular paycheck, forms must be received in the payroll office by the 10th working day of the month.

HENRY COUNTY BOARD OF EDUCATION
COMPENSATORY TIME – PAYMENT REQUEST

Employee Name _____ Location _____
(Please print or type)

I would like to request that I be PAID for _____ hours of my accumulated compensatory time.

(For this request, the employee should sign and date below; principal or supervisor approval is not required. The employee should send this form to the payroll department at Central Office or should give it to the payroll secretary at his/her school or department to be included with regular payroll information.)

| | | |
|--------------------|-------------------|------|
| Employee Signature | Employee Position | Date |
|--------------------|-------------------|------|

QUESTIONS AND ANSWERS FOR EMPLOYEES

Listed below are questions and answers that may help you better understand whether you are eligible for overtime pay or compensatory time. These questions are placed under sub-headings for your convenience.

DEFINITIONS/PROCEDURES

1. Q. Can my supervisor allow me to adjust my working hours for a doctor's appointment?

A. Yes, but that is the decision of the School System. If this is allowed, you can take time off and make it up before or after the time off as long as it is **during the same work week**. Adjustments in your regular work hours must be done with supervisor approval in advance of the change.
2. Q. If I fail to record my work start and stop time daily in the timekeeping system, will I be paid correctly?

A. All employees receive specific instructions related to documenting time worked in the timekeeping system. Actual work hours should be documented on a daily basis. Should an error occur, an employee is responsible for the correction. Compensation is calculated based upon documented work hours.
3. Q. As a teenage employee, are there certain laws that govern when or where I can work?

A. FLSA's child labor provisions prohibit employment in certain hazardous jobs under the age of 18. The number of working hours are limited for students between ages 14 -18, and vary depending on age. For more information, go to: www.labor.alabama.gov
4. Q. As a non-exempt employee must I receive a break during the morning and/or the afternoon?

A. No. Breaks are permitted but not required by law. The employer or building supervisor/principal must establish consistent procedures that are fair to all employees.
5. Q. If my supervisor requires me to work on a holiday or come in for several days when I am scheduled to be off, should I receive time and a half overtime pay or comp time for this work?

A. Any hours worked within a work week beyond 40 during the same period will result in payment/comp time based upon one and one half times your regular hourly rate of pay.

EMPLOYEES WITH ADDITIONAL WORK ASSIGNMENTS

1. Q. I am a non-exempt worker and required to attend PTA meetings, faculty meetings and in-service meetings in addition to my regular work week. Should I receive pay for attendance at these meetings?

A. Yes. However, should any of these meetings be conducted during your regular work schedule you would not receive extra pay. Your supervisor may also choose to adjust your work schedule for the week so that this time falls within your number of regularly scheduled work hours.
2. Q. I am a custodian and as part of my job I must return after the work day to reset the burglar alarm when it goes off. Should I be paid for this duty? Should I receive overtime pay?

A. Yes. Any hours worked beyond your regular schedule and over 40 hours will be paid as overtime or as compensatory time equivalent to one and one half times your hourly rate of pay. Your time sheet should reflect the time you left home and the time you returned provided the time recorded was all work related.
3. Q. I am a six (6) hour lunchroom worker and the principal also requires me to work the Halloween Carnival. Should I receive pay for this work time?

A. If you are required to work, yes, you must be paid accordingly. If you VOLUNTEER to work the Carnival and are performing DIFFERENT RESPONSIBILITIES from those you are employed to assume, you may work without pay. Should you have a child in the school where you work, you may volunteer to work the Carnival without pay.
4. Q. I am a custodian employed for 40 hours each week and also work for the Sheriff's Department occasionally on the weekends as a security guard. Should I receive overtime pay?

A. No. The job with the Sheriff's Department is completely unrelated to your school responsibilities.
5. Q. I am a maintenance worker and work a 40-hour week. Occasionally I receive a call from my supervisor to work nights or weekends due to emergency conditions. Should I receive overtime pay or comp time for this work?

A. Yes. Work beyond 40 hours during a week must be compensated with overtime pay or compensatory time equivalent to one and one half times your hourly salary. If you are absent one (1) or more days during a week for any reason (sickness, holidays, etc.), you cannot count that time as work time when determining overtime pay.

- 6 Q. I am a bus driver and drive many field trips. When I drive an overnight or extended field trip, do I receive pay or compensatory time for all hours away from the school?

A. You receive pay when driving and when doing other required work such as pre-trip inspections. You also receive pay or compensatory time for time when you leave a destination to another or perform other duties. For example, if you have to stay on the bus to provide security, supervise students, protect school or student belongings or equipment, etc., you would receive pay or compensatory time. You would not be paid an hourly rate while sleeping in your motel room when off duty. DOT requires 8 hours/night of off-duty rest time.

COACHING AND OTHER POSITIONS WITH A PAID SUPPLEMENT

1. Q. I am a teacher and would like to coach as a volunteer or paid employee. Can I serve as a teacher and volunteer coach?

A. Yes. As a teacher you are an exempt employee under FLSA, and you are allowed to coach voluntarily or in a paid supplementary position if approved by the principal.

2. Q. I am a supplemental employee and would like to also substitute. Can I do both?

A. Based on federal compliance with the Affordable Care Act, Henry County Schools does not allow a person to perform both supplemental duties and substitute at the same time, since hours are combined and could result in the district having to pay employee benefits.

3. Q. I am an instructional aide and would like to volunteer time to assist with coaching. Can I serve as an instructional aide and volunteer coach in my school system?

A. Yes. Coaching is not considered the “same type service” as that performed by an instructional aide. Employees may volunteer hours of service to their public employer provided such services are not the same type of services for which the individual is employed to perform. Based on current district procedures, you cannot be paid a supplement for coaching duties as a classified employee.

4. Q. I am a non-exempt employee and would like to coach (for pay) at the middle or high school after work hours. Can I receive pay if selected to coach? What about overtime pay?

A. Henry County Schools does not allow a non-exempt employee to also work in a supplemental position such as coaching. In the event a non-exempt employee performed some type of supplemental duty, payment would be at the employee’s regularly hourly rate. Any time beyond 40 hours/week, would be paid in overtime.

SUBSTITUTING

1. Q. I worked my regular 40 hours as a school custodian in a particular week and the principal of another school called me to work an additional four (4) hours on Saturday at his school. Should I seek approval from my current principal since I will be eligible for overtime compensation?

A. Yes. The work week in the School System has been determined to be Sunday through Saturday. Therefore, the work requested for Saturday is a part of the same work week and overtime pay or compensatory time for the additional four (4) hours is required.
2. Q. I work as a regular bus driver. Am I allowed to work as a regular bus driver and substitute teacher?

A. No. Work schedules for these two positions conflict and are not permissible.

APPROVAL TO WORK OVERTIME/EXTENDED TIME

1. Q. Can I work beyond my regularly scheduled shift without the approval of my supervisor?

A. No. If you work when not scheduled without supervisor approval, you may be considered insubordinate. ALL COMP/OVERTIME WORK MUST BE APPROVED IN ADVANCE BY YOUR SUPERVISOR.
2. Q. I work from 7:15 a.m. until 3:15 p.m. each day as an instructional aide. Can I stay in the classroom where I work and complete tasks until my daughter gets through with band practice at 5:00 p.m.?

A. No. You cannot stay in your assigned work location and/or complete work tasks related to your job after hours without approval from your supervisor. If approval is granted then the supervisor must be willing to pay for extended or overtime work. You may go to another area of the building and work on personal tasks unrelated to your job if the supervisor approves.
3. Q. Do I have any responsibility to keep up with my hours worked and report this to the principal if overtime is in question?

A. Yes. For example, if you are a bus driver and have worked 20 hours during a certain week and are asked to drive a bus for a field trip the next day (totaling six hours), you must inform the principal/transportation supervisor of the hours you have worked, the time required to complete the field trip, and the overtime compensation due. If approved, you can drive for the field trip.
4. Q. I work as a bus mechanic and often stay over to work in the shop after hours. Should I receive pay for this work?

A. You cannot choose to work overtime without receiving permission in advance. If you work without permission it could lead to the termination of your employment. Any overtime work (more than 40 hours per week) must be paid at the rate of one/one half times your hourly salary.

5. Q. I am a school secretary and have occasional projects requiring additional work. I'm also expected to perform my duties efficiently. I often take work home, stay late at school, and come early to complete reports. Should I be paid for this work? Should I receive overtime pay or compensatory time?

A. You should NOT take work home, stay late or come early unless you receive the approval of your supervisor in advance under special circumstances (i.e. reasonable accommodation under an approved medical leave). You must follow the procedures outlined within this document to work overtime. If you have received approval in advance and you work longer hours than are regularly scheduled or take work home, you must receive pay or equivalent compensatory time for this work. It is your responsibility to be sure that your time record reflects the ACTUAL time worked.

6. Q. Although I am a certified teacher, I currently work as an instructional aide. I am pursuing a teaching position and want to perform additional duties/hours to prove my competency as a full-time teacher. Is this permissible?

A. This is not allowed. Teachers are exempt from the provisions of the Fair Labor Standards Act. However, as an instructional aide, you are not exempt. You must not work more than your regularly scheduled hours without written approval from your principal. If this approval is granted, you must be paid or receive comp time for this work even if your desire is to do this on a voluntary basis.

SCHEDULES

1. Q. Can the School System assign me a divided schedule during the work day?

A. Yes. For example, you are a custodian and the principal needs you to open and close the school each day, but this cannot be done within the eight (8) hour day. The principal can schedule you to work a split shift in order to meet the needs of the job. You could be scheduled to work from seven (7) o'clock a.m. to 11 o'clock, take a two (2) hour break and return at one (1) o'clock and work until five (5) o'clock p.m. The principal CANNOT assign you or allow you to complete work tasks during the two (2) hour break unless he/she pays you for that time.

2. Q. I serve as a custodian for two (2) different schools. In one middle school I work from 12:00 noon until 4:00 p.m. My other assignment is a night custodian at a high school where I work from 6:00 p.m. until 10:00 p.m. Is this permissible?

A. Yes. You can be assigned a schedule with a break in the middle. However, the school officials must pay you if you are assigned **ANY** work responsibilities during that two (2) hour break. In addition, the time required to travel from one school to the other should be counted as work time. Paid travel time is not required if you are assigned to only one work location even if your work time is split.

3. Q. I am a custodian and work an afternoon and evening shift when school is in session. Can I be required to work a different shift during the summer break?

A. Yes. Per Board policy, the Superintendent is authorized to establish work schedules to meet the needs of the district. If you have a secondary job and schedule changes conflict, Board policy details conditions and limitations regarding engaging in outside employment and that it cannot interfere with job responsibilities/duties of Henry County Schools. Terms and conditions listed under this policy must be strictly adhered to in order to avoid disciplinary action.

LUNCH/BREAKS

1. Q. I am a CNP worker assigned a duty free (unpaid) lunch period of 30 minutes. Quite often I must eat in 15 minutes because classes come early to eat. Should I be paid for the minutes my lunch period is reduced?

A. Yes. If interrupted for work related reasons during that time an employee must either be compensated or allowed to restart the thirty (30) minute duty free period.

2. Q. Custodians, instructional aides, CNP workers, secretaries, bookkeepers and others typically receive a minimum of 30 unpaid minutes for lunch. Can workers be required to work during a portion of their lunch period without pay? What does the term “working lunch” mean?

A. Non-exempt workers cannot be required to work any portion of their unpaid lunch period unless the supervisor is willing to pay for the time worked or give the employee a full lunch break when he/she returns from the assignment. For example, if a custodian is interrupted during a designated 30 minute *unpaid* lunch break to assist with an emergency, he/she must be paid for that time and allowed to start their 30 minute break all over again when he/she returns. Approval to work through lunch should be minimal and approved by the supervisor.

Some employees receive a “paid” or “working lunch” period because of the nature of their job. For example, some instructional aides have responsibilities for students during their lunchtime. The aide may eat his/her own lunch during this time but is still expected to perform duties such as stopping to open milk cartons, clean up after students, and complete other such tasks. This is considered a “working lunch” period, therefore, paid time for the employee. The employee and supervisor must agree on a working lunch assignment.

3. Q. I am required to clock in and out for lunch period. Sometimes I forget to do this. Is this necessary?

A. Yes. The employer must have documentation to verify the hours you actually work. Sign in sheets, time sheets, punch clocks, and other record keeping systems are used by school systems. Failure to follow directions concerning these records may be considered insubordination and may lead to discipline up to and including dismissal.

5 Q. I have a doctor's appointment and would like to work through lunch two days that same week to make up missed time. Is this permissible?

A. Your supervisor/principal has the authority to allow you to adjust hours and work through lunch under special circumstances, but approval must be provided in advance by your supervisor. Comp time, sick leave, and other paid leave should be utilized to address personal needs when possible.

Please contact the Payroll Department for additional questions at:

(334)585-2206, ext. 1228