

## Overtime Policy

### **Purpose**

The purpose of this policy is to outline the guidelines and expectations for employees working more than 8 hours in a day or 40 hours in a week

### **Policy**

#### The Law:

The Federal Fair Labor Standards Act of 1938 as amended, requires that non-exempt employees (Classified and Secretarial) be paid time and one half for each hour worked beyond forty hours per week. The act further states that:

"Work not requested but suffered or permitted is work time. For example, an employee may voluntarily continue to work at the end of the shift." if "The employer knows or has reason to believe that he/she is continuing to work then the time is considered working time." "The rule is also applicable to work performed away from the premises or the job site, or even at home. If the employer knows or has reason to believe that the work is being performed, they must count the time as hours worked."

DUTY OF MANAGEMENT: "In all such cases it is the duty of the management to exercise its control and see that the work is not performed if it does not want it to be performed. It cannot sit back and accept the benefits without compensating for them. The mere promulgation of a rule against such work is not enough. Management has the power to enforce the rule and must make every effort to do so."

#### The Contract:

The Contracts (Employee Handbooks) also specify employee rights and obligations regarding overtime and compensatory time as follows:

#### **1. Daily Work Limit**

- Employees may not work more than **8 hours in a day** and/or **40 hours in a week** unless approved by the principal administrator.
- For hours past the **40 hours** for a work week - If approved, employees may earn overtime pay at time-and-a-half, comp time at time-and-a-half or use trade time.

#### **2. Overtime Pay or Comp Time – Prior Approval Required**

- Overtime must be approved in advance by the Director.
- If an emergency happens overnight, approval must be requested the next morning.
- If approved, Employees who work more than 40 hours in a week will receive either:
  - **Time-and-a-half pay, OR**
  - **Compensatory time off at time-and-a-half** (employee chooses).

#### **3. Trade Time – Approval Required**

- Employee may "trade" for any time worked over 40 hours in a week as long as it has been approved by the Director.

- Employees may use “trade time” (hour-for-hour time off) within the same 40-hour work week.

## **Supervisory Responsibility:**

Managers who have Classified and Secretarial employees working under their direction will review this memorandum with each employee and make a hard copy available to them.

Any non-exempt employee who has worked beyond the 8 hour day must have prior approval or approval the following day if, for some reason, the 8 hours extends after the Supervisor leaves the area or during evening or nighttime call outs.

The Supervisor will authorize one of the following status' if the time worked is valid:

- 1) One hour Trade time for each hour worked during the same 40-hour week.
- 2) Compensatory time and one-half to be taken within the contract time lines.
- 3) Time and one-half pay.

\*\*In no case will an administrator knowingly allow their non-exempt employees to work beyond 40 hours per week (8 hour day) without providing one of the three categories of compensation above.

## **Acknowledgment**

I acknowledge that I have received, read, and understood the Overtime Policy for Vanguard Employees. I agree to comply with the guidelines set forth in this policy.

**Employee Name:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **References**

## **Revision History and Approval Date**

Pending Board Approval