

6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the Board of Education's policy to comply with the provisions of State and Federal Law and their respective implementing regulations, relating to minimum wages and overtime, provided the terms of an applicable collective bargaining agreement do not provide for greater rights to its employees. To that end, the Board shall pay at least the minimum wage to all employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Such employees shall be paid overtime compensation.

Work week is defined as a fixed and regularly recurring period of 168 hours (i.e., seven (7) consecutive twenty-four (24) hour period).

Covered, non-exempt employees who are required by their supervisor to work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in the work week. Payments for hours not worked due to vacation, holiday, or illness are excluded from the hours worked for the purposes of calculating overtime eligibility.

Covered, non-exempt administrative assistants and buildings and grounds employees who are required by their supervisor to work more than forty (40) hours in a given work week OR more than eight (8) hours in a workday will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) hours in the work week or eight (8) hours in a workday. This does not mean an employee can get "double overtime." Once an hour is counted as an overtime hour for daily overtime, it will not be counted as an overtime hour for weekly overtime, and vice versa.

The Superintendent or his/her designee shall determine the necessity and availability of overtime work.

Overtime must be authorized by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature.

Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor will be subject to disciplinary action, up to and including termination.

Exempt employees are individuals who are exempt from the State and Federal overtime provisions. Generally, individuals employed in a bona fide executive, administrative, or professional capacity, and certain computer employees are considered exempt. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis. The salary requirement does not apply to teachers. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

The Board reserves the right to make deductions from the pay of otherwise exempt employee under the following circumstances:

- A. The employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- B. The employee is absent from work for one (1) or more full days due to sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness. The District is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy, or practice, or if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law;
- C. To offset amounts employees receive as jury or witness fees, or for military pay;
- D. For unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions;
- E. For penalties imposed in good faith for infractions of safety rules of major significance.

The Board shall not be required to pay the full salary in the initial or terminal week of employment. Rather, the Board may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment.

The Board shall also not be required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that except for these limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Director of Business Services.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

The Board directs the Superintendent to distribute this policy to all employees upon initial hire and on an annual basis.

The Superintendent is directed to prepare administrative procedures to implement this policy.

29 U.S.C. 201 et seq.
29 C.F.R. Part 541
104.01, Wis. Stats.
DWD 274.03, Wis. Admin. Code

Approved/Adopted: July 13, 2009
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