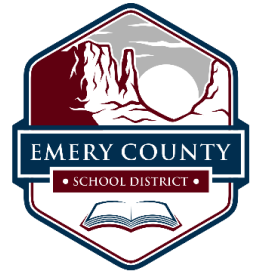


Emery County School District



Policy: GEBC—Overtime

Date Adopted: 1 October 1997

Current Review / Revision: **First Reading 9 September 2026**

Definitions:

Overtime Requires Prior Approval— Before overtime is recorded or overtime work is performed for the District, an employee shall obtain written or verbal approval from the employee's supervisor or from another officer or administrator having authority to authorize the overtime.

Overtime Work— "Overtime work" is defined as time worked in the "work week," as defined by policy, exceeding 40 hours for a non-exempt employee in which non-exempt employee is compensated at a rate not less than 1 ½ times the employee's hourly rate.

Work Week— "Work week" is defined as the period of time beginning at midnight between Saturday night and Sunday morning and ending the next Saturday midnight.

Regular Time— Regular time is the number of hours an employee is authorized to work during the "work week" through 40 hours.

Location— All regular time work and authorized overtime work must be completed on site unless prior authorization is obtained. Employees must receive written authorization prior to the start of any off-site work.

1. "On-site work" is defined as work performed within the normal course and scope of employment at the District's regular places of business, e.g., schools, district office, bus warehouse, etc.
2. "Off-site work" is any work performed at a location different than the District's regular places of business.

Time Keeping— Each employee will comply with District time-keeping protocols by promptly recording daily regular time worked only by time clock or specific method prescribed by the District.

Failure to Comply— Failure to comply with this policy and/or the District's overtime procedures may result in disciplinary action, up to and including termination.

The Emery County School District strives diligently to continue to be in full compliance with all state and federal mandates. As part of this effort it is the policy of the Emery County School District to comply fully with all aspects of the Fair Labor Standards Act. Accordingly, the School District has established the following working conditions, and set the following guidelines for all employees.

The School District's policy for overtime is incorporated from the Fair Labor Standards Act (FLSA), 290 CFR Pars 500 to 899, 1991 edition. Management may direct an employee to work overtime. However, to ensure overtime usage is efficient and economical:

- 1) Prior written supervisory approval is required for all overtime worked.
- 2) Record keeping in compliance with district guidelines is required for all overtime worked.

- 3) Verification that there are sufficient funds in the budget to compensate for overtime worked is required.
- 4) The Emery School District overtime year shall be July 1 through June 30.
- ~~5) Any overtime earned by a FLSA exempt employee is not an entitlement, benefit, nor a vested right.~~
- 6) Any overtime earned by a FLSA exempt employee shall lapse at the end of the District's annual overtime year.
- ~~7) Any compensatory overtime earned by a FLSA exempt employee shall lapse when s/he transfers to another agency, terminates retires or otherwise does not return to work before the end of the overtime year.~~
- ~~8) The Superintendent may approve overtime for exempt employees, but overtime shall not be compensated with actual payment.~~

Overtime compensation standards are identified for each position as either FLSA non-exempt, or FLSA exempt. Employees may appeal their FLSA designation to the Superintendent and the School Board concurrently. Further appeals must be filed directly with the United States Department of Labor, Wage and Hour Division.

FLSA non-exempt employees shall be eligible for overtime when they actually work more than 40 hours a week. Lunch periods, break times, personal leave, vacation and holiday time taken within the work period shall not count as hours worked when calculating overtime. Hours worked over two or more weeks shall not be averaged out.

- ~~1) Non-exempt employees shall sign a prior agreement authorizing management to compensate them for overtime worked by actual payment or time off at time and one half.~~
- 2) Non-exempt employees may receive compensatory time for overtime, up to a maximum of 80 hours. Only with prior approval of the Superintendent may compensatory time accrue up to 240 hours. Once employees reach the maximum, they shall be paid for additional overtime on the pay day for the period in which it was earned.
- ~~3) Computer Systems Analyst Expert employees shall be eligible for one to one compensatory time when they work more than 40 hours in a work period. All other exempt employees shall be eligible for straight compensatory time when they work more than 50 hours in a work period. Leave and holiday time taken within the work period shall not count as hours worked when calculating overtime. Emery School District shall compensate FLSA exempt employees who work overtime by giving them time off. For each hour of overtime worked, an employee shall receive an hour off. Compensatory hours earned in excess of a base of 80 shall be used down to 80.~~

Employees classified as FLSA exempt are paid a salary to complete the duties of their position and are not eligible for statutory overtime. However, the District recognizes that operational needs may require long hours. At the discretion of the Superintendent, exempt computer professionals and other administrative staff who experience peak operational workloads may be granted flexible administrative leave. This leave is a voluntary benefit, is not accrued or tracked on an hour-for-hour basis, has no cash value upon separation, and must be utilized within the school year.

Compensatory Time

Employees and management shall arrange for use of compensatory time as soon as possible. Management shall encourage employees to use accrued compensatory time within 30 days following the pay period in which it was

accrued, as long as taking compensatory time off does not unduly disrupt agency operations or endanger public health, safety or property.

Time Reporting

- 1) FLSA non-exempt employees who work more than 40 hours in a work period must complete and sign a district-approved bi-weekly time sheet. Time sheets developed by the District shall have the same elements of the State approved time sheet. Completion of the time sheet is at District discretion when no overtime is worked during the work period.
- ~~2) FLSA exempt employees who work more than 80 hours in a work period must record their total hours worked, and/or the compensatory time used on their bi-weekly time sheet.~~

All hours must be recorded in order to claim overtime. Completion of the time sheet is at District discretion when no overtime is worked during the work period.

Hours Worked

FLSA non-exempt employees shall be compensated for all hours they are permitted to work. Hours worked shall be accounted for as long as the District permits employees to work on its behalf, regardless of the reason for the work. Employees who work unauthorized overtime may be subject to disciplinary actions.

- 1) All times that FLSA non-exempt employees are required to wait for an assignment while on duty, before reporting to duty, or before performing their activities is counted towards hours worked.
- 2) Time spent waiting after being relieved from duty is not counted as hours worked if one or more of the following conditions apply:
 - a) the employee arrives voluntarily before their scheduled shifts and waits before starting duties;
 - b) the employee is completely relieved from duty and allowed to leave the job;
 - c) the employee is relieved until a definite specified time;
 - d) the relief period is long enough for the employee to use as employee sees fit.

~~3) On Call Time~~

~~Employees required by the School District to be available for on-call work shall be compensated for on-call time at a rate of 1 hour for every 12 hours the employee is on-call.~~

- ~~a) time is considered "on-call time" when the employee has freedom of movement in personal matters as long as he/she is available for call to duty;~~
- ~~b) employees record on-call time as "on-call paid" not as "hours worked" on their time sheet, and shall be paid the following pay period. Any time actually worked during the on-call period is recorded in increments of 15 minutes as "hours worked" in addition to on-call time.~~

4) ~~Standby Time~~

~~Employees restricted to “stand by” at a specified location ready to work must be paid full time or overtime as appropriate. Workers must be paid for stand by time if they are required to stand by their posts ready for duty, even during lunch periods, equipment breakdowns, or other temporary work shut-downs.~~

5) Commuting and Travel Time

- a) Normal commuting time from home to work and back shall not count towards hours worked;
- b) time employees spend traveling from one job site to another during the normal work schedule shall count towards hours worked;
- c) time employees spend traveling on a special one-day assignment shall count towards hours worked except meal time and ordinary home to work travel;
- d) travel that keeps an employee away from home overnight does not count towards hours worked if it is time spent outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

6) Excess Hours

Employees may use excess hours the same way as annual leave or agency management may pay the hours out under one of the following:

- a) paid off automatically in the same pay period accrued;
- b) all hours accrued after 40 hours are paid off;
- c) all hours accrued after 80 hours are paid off.

PLEASE REFER TO THIS SECTION AS THE AI SUGGESTED REPLACEMENT FOR THE
COMPENSATORY AND TIME REPORTING SECTION

POLICY: COMPENSATORY TIME AND OVERTIME COMPLIANCE

A. Non-Exempt Employees (Hourly and Salaried Non-Exempt)

1. **Rate of Accrual:** In accordance with the Fair Labor Standards Act (FLSA) guidelines for public sector employers, non-exempt employees may receive compensatory time off (comp time) in lieu of cash overtime pay. Comp time must be accrued at a rate of **not less than one and one-half (1.5) hours** for each hour of overtime worked past 40 hours in a single, independent workweek.
2. **Hours Worked Baseline:** Only hours *actually worked* count toward the 40-hour overtime threshold. Paid leave—including sick leave, vacation, personal leave, lunch periods, and holidays—does not count as hours worked for the purpose of calculating comp time accrual.
3. **Statutory Limits:**
 - o Standard school district employees may accrue a maximum of **240 hours** of compensatory time.
 - o Employees engaged in public safety, emergency response, or seasonal activities may accrue a maximum of **480 hours** of compensatory time.
 - o Any overtime worked beyond these statutory limits must be paid out in cash overtime wages on the next regular payday.

4. **Use and Payout of Time:** Employees must be permitted to use accrued compensatory time within a reasonable period after making a request, provided it does not unduly disrupt district operations. Upon separation of employment for any reason, all unused accrued comp time must be paid out at the employee's final regular hourly rate.

B. Exempt Employees (Salaried White-Collar Exempt)

1. **Exemption Standard:** Employees who meet the federal duties tests and the current minimum salary thresholds for executive, administrative, or professional exemptions are paid a set salary to complete the duties of their position.
2. **Exclusion from Overtime:** Exempt employees are strictly excluded from the overtime and compensatory time provisions of the FLSA. They do not earn hourly compensatory time, nor do they track hours for the purpose of accumulating overtime.
3. **Flexibility:** The Superintendent or designees may grant occasional, non-hourly administrative leave or scheduling flexibility to exempt staff following peak operational periods. However, this flexibility will not be tracked on a rigid, hour-for-hour basis, ensuring strict adherence to the federal "salary basis test."

Previous Revision - 1 October 1997