



Book	Policy Manual
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#### 6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the School Board's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations, unless the terms of an applicable collective bargaining agreement provide for greater rights to its employees. To that end, the Board shall pay at least the minimum wage required by the FLSA to all covered, non-exempt employees unless an employee's individual contract or the terms of an applicable collective bargaining agreement provide for greater benefits than mandated by the FLSA or Florida law.

Non-exempt employees are hourly employees or salaried employees who do not qualify for a professional, administrative, computer, executive, or any other exemption under the FLSA.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include, but are not limited to, persons employed in bona fide executive, administrative, and professional positions and certain computer related employees. Teachers are generally exempt, even if they are paid on an hourly basis. Such employees are exempt so long as they meet the salary requirements under the FLSA to the extent applicable.

~~Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-~~Non-exempt employees to work more than forty (40) hours during a given work week will receive overtime pay in accordance with the FLSA for all hours worked in excess of forty (40). Work week is defined as the seven (7) day period of time beginning on Monday at 12:00 a.m. and continuing to the following Sunday at 11:59 p.m. ~~Covered, non-exempt employees who 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 premium pay (i.e., 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 lieu of overtime pay, such employees may elect to receive compensatory time, at the rate of one and one-half (1 1/2) for hours worked over forty (40) hours in a work week.

The Superintendent shall determine the necessity and availability of overtime work. Overtime may be authorized only 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 may be subject to disciplinary action up to and including termination.

~~Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include persons employed in bona fide executive, administrative, and professional positions, and certain computer employees. To qualify for the exemption, employees generally must meet certain tests regarding their job duties~~



~~and be paid on salary basis at not less than \$455 per week. The salary requirement does not apply to teachers. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour. 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 the exceptions listed below, 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.~~

~~Notwithstanding the fact that exempt school employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is reduced or the employee is placed on a leave without pay for absences for personal reasons or because of illness or injury of less than one (1) work day because accrued leave is not used for specific reasons, the Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:~~

### **Salary Deductions**

Deductions may be made to an otherwise exempt employee's salary in certain circumstances without jeopardizing such employee's exempt status. Deductions may occur 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 if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness
- 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.

In addition to the foregoing, exempt employees who accrue personal leave and sick leave may have their pay reduced or may be placed on unpaid leave for absences due to personal reasons of less than one (1) full day when leave is not used by the employee because:

- 1. permission to use leave has not been sought or permission has been sought and denied;
- 2. the employee's accrued leave has been exhausted; or
- 3. the employee chooses to use leave without pay.

Deductions from the pay for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

The Board shall also not be required to pay the full salary in the initial or terminal week of employment if the employee does not work the entire week, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions as described above, 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 Superintendent. 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.

This policy shall be distributed to employees upon initial hire, and to all employees on an annual basis.

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Legal

29 U.S.C. 201 et seq.

29 C.F.R. Part 541

Last Modified by Sam Stalnaker on January 29, 2018