

Non-Union Educational Support Personnel

Compensatory Time-Off

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. past 40 hours worked for employees whose regular workweek is 40 hours. Employees whose regular workweek is 37-1/2 hours may be given an hour of compensatory time-off in lieu of cash for the first 2-1/2 hours worked over 37-1/2 hours and 1-1/2 hours of compensatory time-off in lieu of cash for each hour of overtime past 40 hours worked. All compensatory time must be used within the current or the next pay period or bank a maximum of 15 hours for use by June 15 of each year. All accrued compensatory time not used by the end of the specified time period will be converted to paid wages at the hourly rate for all hours up to 40 and 1-1/2 times the regular hourly rate for all hours past 40.

An employee who has accrued compensatory time-off shall be permitted to use such time in at least half-day components provided such requests do not unduly disrupt the District's operations. The employee's supervisor must approve a request to use compensatory time-off.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment; or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

Implementation

The Superintendent or designee shall implement this policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

LEGAL REF.: Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; 29 C.F.R. Part 553.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

Reviewed: May 17, 2004, June 21, 2010, November 5, 2018

Adopted: August 23, 2004

Revisions Adopted: November 28, 2005, August 2, 2010, November 19, 2018