CLASSIFICATION OF EMPLOYEES
AND RIGHTS AND RESPONSIBILITIES INVOLVING
NONEXEMPT EMPLOYEES

It is the policy of this technology center to ensure compliance with the Fair Labor Standards Act (FLSA) provisions concerning the payment of overtime at the established rate to eligible employees. Consistent with that obligation this policy discusses the proper classification of employees as exempt or nonexempt employees and also addresses the rights and responsibilities of the technology center and nonexempt employees in areas related to the authorization necessary for overtime work, and related recordkeeping requirements. The purpose of the policy is to ensure that the technology center correctly identifies those individuals entitled to overtime and ensures that nonexempt employees required to work overtime as a condition of their employment receive either monetary compensation or compensatory time for approved overtime. The technology center’s construction and interpretation of this policy shall be consistent with FLSA’s mandatory provisions.

Technology Center’s Overtime Obligations

The FLSA does not limit the number of hours that an employee may work, either daily or weekly. It requires that overtime compensation be paid or time accrued at a rate of not less than one and one-half times the nonexempt employee’s regular rate of pay for each hour worked in a workweek in excess of the maximum hours applicable to the type of employment in which the employee is engaged. For technology center employees this means overtime for hours in excess of 40 per week for non-exempt employees.

Comp time which has not been used by the end of the quarter in which it was earned (September, December, March, and June) will be paid on the following month’s payroll (October, January, April, and July).

Employee Classification for Purposes of FLSA

It is the technology center’s intent to adhere to the requirements of FLSA with regard to the classification of employees and with respect to the payment of overtime wages to eligible employees.

Non-Covered Employees

FLSA provides that certain employees are not covered by the Act. Non-covered employees include volunteers, independent contractors, legal advisors, and certain trainees. Non-covered employees are basically treated the same as exempt employees, for purposes of FLSA.
Exempt Employees

In accordance with the FLSA, exempt employees do not receive overtime. Exempt employees include executive, administrative, and/or professional personnel.

The technology center employs a variety of employees. The determination of an employee’s proper classification requires evaluation of specific duties, authority and compensation; however, this policy provides guidance regarding how employees are generally classified for purposes of overtime compensation.

Nonexempt Employees

Nonexempt employees are entitled to overtime for all hours worked in excess of 40 in a workweek. Overtime compensation is paid at a rate of not less than one and one-half times the nonexempt employee’s regular rate of pay for each hour worked in a workweek in excess of 40 hours per week.

Examples of Employee Classifications

Nonexempt employees include:

- Bus drivers
- Office/administrative assistants
- Custodial workers
- Customer service representatives
- Support and paraprofessional staff
- Maintenance workers

Exempt executives include:

- Superintendent
- Deputy superintendents
- Directors and assistant directors
- Executive directors

Exempt professionals include:

- Counselors
- Positions categorized as “professional”
- Coordinators (BDT/ADT)
- Instructors/teachers

Noncovered positions include:

- Appointed members of the board of education
- Elected member of the board of education

Authorization Required for Overtime

Employees are not permitted to work overtime without the prior authorization of the employee’s supervisor, deputy superintendent, or the superintendent. An employee who
works overtime, without authorization, will be subject to discipline up to and including the possibility of termination. If for any reason the employee is unable to obtain approval of overtime prior to working overtime, he/she is required to immediately bring overtime work to the attention of his/her supervisor, deputy superintendent, or the superintendent.

Supervisors are required to strictly enforce the technology center’s prohibition of unauthorized overtime. To this end, a supervisor must not allow an employee to work overtime if the supervisor knows, or reasonably suspects, that the employee is working in excess of hours authorized. A supervisor who fails to take reasonable action to enforce the technology center’s policy will be subject to discipline up to, and including, possible termination of employment.

**Use of Time Clocks or Other Time Records**

Employees will be assigned a method for keeping track of work hours. Each employee is responsible for the complete and accurate reporting of his/her time and must verify that the time reported is truthful to the best of the employee’s knowledge and experience.

An employee utilizing an alternate method of time keeping is, likewise, required to ensure that the times listed by the employee are complete and accurate and recorded to the best of the employee’s knowledge and experience and is subject to the same requirements and penalties as an employee utilizing a time clock.

An employee who identifies an erroneous entry on his or her time card or record should immediately bring the error or mistaken entry to the attention of his/her supervisor and both should insert and initial the correct entry or information on the time record.

**Notice of Policy to Employees**

Each employee will be furnished with a copy of this policy and required to sign an acknowledgement confirming that the employee received the policy and that he/she understands the rights and responsibilities that it includes.

Questions concerning any part of the policy should be directed to the employee’s supervisor, director of finance, director of human resource, deputy superintendent, or the superintendent.

If at any time an employee believes that he/she is incorrectly classified for purposes of FLSA or is entitled to additional compensation under federal or state law, he/she should notify his/her supervisor so he/she can submit the request through the appropriate process.