



P L A N O
Independent School District

INTEROFFICE MEMO
Plano Independent School District
Human Resources Division
Chief Human Resources Officer

Date: August 4, 2017
To: Principals and Central Department Heads
From: Jun Melvin
Re: FLSA Guidelines and Forms (Attachments A and B)

Please share with all non-exempt employees and their supervisors.

Like other employers, Plano ISD is required to comply with the Fair Labor Standards Act. At the beginning of each school year, I send you guidelines related to FLSA (see below).

All nonexempt employees (those who are *not exempt from* minimum wage and overtime rules) must sign a Compensatory Time Off Agreement (**Attachment A**) once annually. In addition, employees who do not use the on-line timesheet must sign the Overtime Affirmation (**Attachment B**) at least twice annually.

Guidelines

The Fair Labor Standards Act (FLSA) mandates that all nonexempt employees in the District (all pay ranges below 800), including paraprofessionals and auxiliary staff, must be compensated (overtime pay or compensatory time) at **one and one-half times their regular rate** for any time worked in excess of 40 hours in a workweek. By policy, the District may require an employee to be compensated by time off rather than pay. The District has chosen this option for the 2017-2018 school year. The Act also requires the District to maintain records of time worked for these staff members.

Supervisors are responsible for monitoring the 40-hour workweek. The workweek is defined as a fixed period of 168 hours from 12 AM Sunday to 11:59 PM on the following Saturday. Site-based management allows for work schedules to be established at the campus or department level. In this regard, following are some examples of a typical workday:

| | | | |
|-------------------------------------|--------------------|-------|--------------------|
| Elementary Paraprofessionals | 7:30 AM – 12:00 PM | Lunch | 12:30 PM – 4:00 PM |
| Secondary Paraprofessionals | 8:00 AM – 12:00 PM | Lunch | 12:30 PM – 4:30 PM |
| Central Paraprofessionals | 8:00 AM – 12:00 PM | Lunch | 1:00 PM – 5:00 PM |

Several years ago, the District implemented a timekeeping system to capture employees' hours worked and to determine who is entitled to overtime pay or compensatory time.

Supervisors must require that employees obtain authorization to perform work beyond 40 hours **prior to that work being performed**. Employees should be strictly informed of the requirement for prior approval of work beyond 40 hours. (Supervisors should issue reprimands/directives to employees violating the requirement to obtain prior authorization to perform work beyond 40 hours.) However, regardless of whether or not prior approval is granted, the District is liable for the compensation of overtime if that non-exempt employee works more than 40 hours in that workweek. It is critical that all nonexempt employees accurately reflect total hours worked on a weekly basis.

It is imperative that supervisors and employees keep detailed records as to hours worked, compensatory time earned, and compensatory time taken. An employee may use compensatory time in accordance with the District's leave policies and if such use does not unduly disrupt the District's operations. It is allowable to require employees to use compensatory time balances before using accrued leave.

By policy, compensatory time may not be carried over from year to year. All compensatory time must be taken no later than June 30 each year (end of fiscal year). Additionally, the maximum compensatory time in a year may not exceed 60 hours. The employee will be required to use it or, at the District's option, will receive overtime pay.

When an employee is transferred from a department, the supervisor of the department that the employee is leaving should forward all documentation supporting unused compensatory time to Payroll so that the employee can be paid for it. Likewise, when an employee terminates, the appropriate time sheets should be forwarded to Payroll so that the employee can be paid for any unused compensatory time. The District's record keeping system is subject to internal and external audit.

For more information, please reference Policies DEC (LOCAL), DEAB (LEGAL), and DEAB (LOCAL).

Sample Overtime Compensation Calculation

A nonexempt employee is considered to have worked overtime if the employee works over 40 hours in a week. Overtime is paid at one and one-half times the employee's regular rate. For example: if an employee worked 42 hours in a week, there would be 2 hours of overtime worked, which would equate to 3 hours pay or 3 hours comp time ($2 \times 1.5 = 3$). Remember, employees must receive approval from the supervisor prior to working the overtime. (It is highly recommended that such approval be in writing.) If they do not receive prior approval, the district may discipline the employee for not receiving prior approval but must still pay for the overtime hours worked.

Remote Access

The district has the capability for all employees to have remote access to our system. Because it will be virtually impossible to monitor usage of this technology when employees are not at work, it is more important than ever for employees to be reminded often of the proper procedures. This technology may be helpful for those situations where you have approved overtime in advance. If that is the case, you will need to keep accurate and detailed records of all overtime hours worked so that employees will be paid appropriately through the normal payroll process or compensatory time (comp time). It is our responsibility, as supervisors, to monitor the work of our nonexempt employees. For example, if we receive work e-mails from them after hours, we cannot say we did not know they were working. (Supervisors should issue reprimands/directives to employees violating the requirement to obtain prior authorization to perform work remotely, regardless of whether it will exceed 40 hours. The issue of remote work by non-exempt employees is tricky and needs to be closely monitored by all supervisors as this is where the overtime rule is usually violated by a supervisor tolerating it or merely overlooking it.)

1. For all nonexempt employees:

All nonexempt employees in the district should sign the Compensatory Time Off Agreement (**Attachment A**). These signed/dated forms are to be retained at the campus/department for audit purposes. Please do not send to HR.

2. In addition to 1. above, for nonexempt employees who use the on-line timesheet:

For employees who use the online timesheet for paraprofessionals, the language below has been incorporated into the timesheet form. It will require signature and date every pay period. The wording is as follows:

By my signature below, I hereby acknowledge and affirm the following:

- Overtime should be reported for the period in which it is earned.
- It is my responsibility to accurately report any and all time performing official and/or work duties of my position, including but not limited to, any time performing official and/or work duties via remote access and/or other electronic medium.
- I personally kept this time record and it is a true and correct statement of time worked in the period indicated.
- I understand that falsification of the reported time worked may result in disciplinary action.
- I understand that I am not authorized to work any overtime, including time performing official duties via remote access and/or other electronic medium, without prior written approval from my supervisor.

3. In addition to 1. above, for all other non-exempt employees (those who do not use on-line timesheet):

Other nonexempt employees in the district (Facility Services, FANS, Transportation, etc.) use a different method for timekeeping records. We do not have the ability to make changes to that timesheet. For that reason, we are asking that copies of the attached form (Attachment B) be signed and dated at least twice per school year. These departments have the discretion as to when and how the forms are signed (it is recommended that, at a minimum, it is signed once at the beginning of the school year and again in the second semester). Signed/dated hard copy forms should be retained at the campus or central department for audit purposes. Please do not send to HR. The wording is as follows:

By my signature below, I hereby acknowledge and affirm the following:

- Overtime should be reported for the period in which it is earned.
- It is my responsibility to accurately report any and all time performing official and/or work duties of my position, including but not limited to, any time performing official and/or work duties via remote access and/or other electronic medium.
- I understand that falsification of the reported time worked may result in disciplinary action.
- I understand that I am not authorized to work any overtime, including time performing official duties via remote access and/or other electronic medium, without prior written approval from my supervisor.

Should the district ever receive an FLSA challenge, it will be critical to prove that district expectations were abundantly clear to our employees.

If you have questions, please contact Noel McBee, Compensation Coordinator, at 469-752-8252, Suzanne Drotman, Director for Compensation and Employee Records, at 469-752-8181 or me at 469-752-8255. Thanks in advance for your assistance.