

Overtime/Compensatory Time Guidance

Note: *This document provides general guidance on the requirements of the Fair Labor Standards Acts.*

The Fair Labor Standards Act, which established a minimum wage and overtime pay requirement for **non-exempt** employees, was revised August 23, 2004. This law requires the District to pay a minimum wage of \$7.25 per hour and to compensate for overtime exceeding 40 hours work in a week, with the option to grant **non-exempt** employees compensatory time off instead of paying overtime. If compensatory time off is granted, it will be at least 1 and ½ hours of time off for each hour worked over 40 hours within a workweek.

Definitions

Non-exempt employees typically fill non-salaried positions, such as clerical, hourly, and paraprofessional. They must receive at least the minimum wage and are eligible to receive overtime pay and/or compensatory time off.

Exempt employees include executives, administrators, principals, managers, supervisors, teachers, and professional employees. They are required to receive the minimum salary needed to meet the salary test for exemption status.

Guidance

A non-exempt employee must receive his/her overtime rate of pay for “all hours worked” over 40 hours in the workweek. “All hours worked” means all hours worked for the CCSD in **any** capacity, including all supplemental work, such as the After School Program, Facility Use Program, extracurricular events, etc. When considering compensatory time off or overtime pay for **non-exempt** employees:

1. Non-exempt employees who work more than 40 hours in a workweek will receive overtime pay equal to 1 and 1/2 times their regular pay rate or 1 and ½ hours compensatory time off for each hour worked over 40 hours. Employees should agree to accept compensatory time off versus overtime pay **before** the extra time is worked.
2. Non-exempt employees must request and receive **prior approval** to work overtime. Unauthorized (unapproved) work in excess of 40 hours in the workweek may subject the employee to disciplinary action.

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3. Compensatory time should be used within a reasonable amount of time after earning it. As a general rule, non-exempt employees should bank no more than 32 hours of compensatory time during any pay period. It is recommended that compensatory time over 32 hours in a pay period be paid 1 and ½ times the employee's normal rate of pay.
4. Daily time records will be maintained by the supervisor on each non-exempt employee's overtime hours worked for four years. Employees who are not required to use time devices will use the CCSD time and attendance forms. These forms are available on the Financial Services Online Intranet Support Site.
5. Georgia law O.C.G.A. 20-2-218 (a) states: Every teacher who is employed in grades kindergarten through five for a period of more than one-half of the class periods of the regular school day shall be provided a daily lunch period of not less than 30 consecutive minutes, and such employee shall not be assigned any responsibilities during this lunch period.
6. All non-exempt employees' time spent doing work for the employer is counted as work time, to include the time an employees spend performing work away for the employer's worksite or work the employee performs during lunch or an authorized break. Approved vacations for all non-exempt employees and holidays for 260 day hourly employees are considered "work time" and will be counted as work time when calculating overtime.
7. In CCSD, it is the employee's second or supplemental job, organization, or department that is responsible for and required to pay the overtime. Overtime will be calculated using the employee's highest rate of pay. Schools will be billed for all overtime costs that exceed their budget.

Contact Information

Human Resources and Financial Services are prepared to assist and answer any questions which arise in this area.

Questions about the applicability of the Fair Labor Standards Act in a specific situation should be directed to Kevin Sherman, Compensation Manager, at 678-581-6748 or Judy Claybrook, Compensation Coordinator at 770-426-3392.

Questions regarding the proper procedures for completing time sheets, accounting for overtime/compensatory time and payment of employee overtime/compensatory time should be referred to Lisa Carter, Assistant Director of Disbursement-Payroll at 770-426-3502 or Mike Mullis, Director of Disbursements at 770-426-3515.

**Reference to this guideline is covered in the District's GBA Administrative Rule
"Compensation Guides and Contracts", Section F8**