

# **PERSONNEL MANAGEMENT**

## **811.04.1 OVERTIME**

### **PURPOSE**

It is the policy of the Mingo County Board of Education to arrange its work schedule in such a manner that employees are not required to work beyond their normal workweek. However, when operational necessities require an employee to work overtime, they will be compensated in accordance with Federal and State legislation. Every effort will be made to carefully plan required overtime with due regard to its impact on employees and the service needs of the schools and offices subject to the following conditions.

The purpose of this policy is to establish the standards pertaining to overtime for personnel not exempt from the overtime requirements of the Federal Fair Labor Standards Act ("FLSA"). It also serves to establish the procedures involved in the application of the policy.

### **SCOPE**

This policy applies to all staff employed by the Mingo County Board of Education who are not exempt from the overtime provisions of the FLSA.

### **IMPLEMENTATION**

#### **Authorized Overtime**

Employees will not work beyond 40 hours per week without official authorization by the employee's immediate supervisor in advance of the work being performed. Provided, that in the event that overtime is occasioned by the employee receiving an extra-duty assignment in compliance with West Virginia Code §18A-4-16 or such alternative method of awarding such assignments as may be adopted thereunder, advance authorization is presumed to have been given. Provided further, that with respect to any posted assignment that the employee receives in accordance with school personnel laws that results in the employee working in excess of 40 hours per week, advance authorization is presumed to have been given.

Any overtime worked without prior authorization will subject the employee to disciplinary measures, including but not limited to termination.

## **Overtime Rates**

All overtime shall be paid at the rate of one and one-half times (1.5x) the employee's regular rate of pay for actual time worked. The regular rate of pay shall be calculated in accordance with the standards set by the FLSA and regulations promulgated thereunder.

## **Time Off in Lieu of Overtime**

The Board and the employee may enter into an agreement whereby the employee will take compensatory time off in lieu of overtime pay. Such agreement shall be in writing, signed by the employee and the Director of Human Resources, and approved by the Superintendent.

Any such agreement is subject to and will be administered in accordance with the provisions of the FLSA relative to compensatory time. The accumulation of time off shall not exceed sixteen hours at any time. Such time off shall be equivalent to one and one-half times the number of hours worked in excess of 40 during the relevant work week. The time off may be taken on such date(s) upon which the employee and his/her immediate supervisor agree. The employee's immediate supervisor may reject dates(s) requested by the employee if, in the opinion of the supervisor, the date(s) request would be disruptive to the operation of the department.

Any overtime hours worked that would result in compensatory time being accrued in excess of sixteen hours shall be paid as overtime, as will any accumulated hours not received as time off in lieu of overtime.

A copy of any agreement entered into in accordance with this section shall be forwarded to the Human Resources Department and the Finance Department for payroll purposes. Information regarding the waiver of overtime payments is available for the Human Resources Department.

Adopted: January 6, 2005