

COMPENSATION AND BENEFITS
SALARIES, WAGES, AND STIPENDS

DEA
(REGULATION)

OVERTIME -
GUIDELINES IN APPLYING
EXEMPTION CRITERIA

It is the policy of the Canutillo Independent School District to schedule work in such a manner that employees are not required to work in excess of normal working hours as stated in the employee's job description.

1. PRIMARY DUTIES:

This is defined as the main, principal or most important duty the employee performs. Whether an employee performs the primary duties required under a particular exemption depends on an analysis of all the facts, but the most important factor is the character of the job itself. These factors need to be considered as well:

- a. The relationship between the employee's salary and the wages paid to other employees for the same kind of non-exempt work;
- b. The employee's relative freedom from direct supervision;
- c. The amount of time spent performing exempt work; and,
- d. The relative importance of the exempt duties as compared with other types of duties.

A good example is if the employee spends more than 50% of her time performing exempt work, the primary duty test will be generally met. However, if an employee spends less than 50% of their time on exempt work, it may still be their primary duty if other relevant facts support that conclusion. In addition, employees may be exempt if they perform a combination of exempt duties under different exemptions.

2. EXAMPLES OF EXEMPT DUTIES

This is defined as the specific exempt duties listed in the various exemptions plus any non-exempt work that is directly and closely related to the exempt work performed. Also defined as the tasks that are related to exempt duties and that contribute to or facilitate the performance of exempt work such as:

- Physical tasks or menial tasks that arise out of exempt duties,
- Recordkeeping,
- Taking notes,
- Using the computer to create documents or

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- presentations,
- Opening the mail for the purpose of reading it and making decisions.

EXECUTIVE EXEMPTION

To qualify for the executive employee exemption, all of the following tests must be met:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

ADMINISTRATIVE EXEMPTION

To qualify for the administrative employee exemption, all of the following tests must be met:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee's primary duty must be the

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- performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

PROFESSIONAL EXEMPTION

To qualify for the learned professional employee exemption, all of the following test must be met:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee's primary duty must be the performance or work requiring advanced knowledge, defined as work which is predominately intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
- The advanced knowledge must be in a field of science or learning; and
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

CREATIVE PROFESSIONAL EXEMPTION

To qualify for the creative professional employee exemption, all of the following tests must be met:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a

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recognized field or artistic or creative endeavor.

COMPUTER EMPLOYEE EXEMPTION

To qualify for the computer employee exemption, the following tests must be met:

- The employee must be compensated on a salary basis at a rate not less than \$455 per week;
- The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;
- The employee's primary duty must consist of:
 1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
 2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
 3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
 4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

3. EXAMPLES OF NON-EXEMPT:

Non-exempt duties:

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- Performing the same kind of work as the employees supervised;
- Performing any production work which is not part of supervisory function;
- Performing routine clerical duties such as bookkeeping, billing, filing and operating business machines;
- Checking and inspecting work as production operation, rather than as a supervisory function;
- Keeping records on employees who are not under the person's supervision;
- Preparing payroll;
- Performing maintenance work.

EXEMPT EMPLOYEES

As outlined in the Fair Labor Standards Act (FLSA), professional employees are exempt from the provisions of the Act. Employees considered exempt may include, but are not limited to the following: associate superintendent, executive directors, directors, principals, assistant principals, internal auditor, counselors, facilitators, coordinators, nurses, lead teachers, teachers, accountants, and computer programmers.

NON-EXEMPT EMPLOYEES

FLSA defines non-exempt employees as employees who are not exempt from the Act's provisions. Non-exempt employees may be referred to as hourly or auxiliary employees. Employees considered non-exempt do not qualify as executive or administrative employees and may include, but are not limited to: paraprofessionals, secretaries, clerks, custodians, food service workers, maintenance workers, security guards, substitutes and transportation drivers. Substitute teachers are considered non-exempt unless either (1) the Texas State Board for Educator Certification has issued a Teacher Certificate or Permit to the

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employee, or (2) the employee has a bachelor's degree and has been issued a school district teaching permit.

BREAKS

Federal, State, or Local laws do not require employee breaks. Supervisors may grant employees a 15-minute paid break for every 4 hours of scheduled work time. **Supervisors may require that employees work through their break to meet an urgent need.**

Restrictions:

1. Breaks must not be taken upon arrival to work in the morning in order to arrive late.
2. Breaks must not be taken last thing in the afternoon/evening in order to leave early.
3. Breaks may not be combined with lunch to create a longer lunch time.
4. If for any reason an employee does not take a break, the employee is not entitled to
 - (a) take a longer break the next time the employee takes a break or,
 - (b) take an extra break in the future or,
 - (c) take extra compensation for missing a break.

COMPENSATORY TIME
(COMP TIME)

Under the Fair Labor Standards Act (FLSA), non-exempt employees may earn compensatory time off in lieu of paid overtime at a rate not less than 1.5 hours for each hour of time worked over the 40 hour week. In most cases, CISD non-exempt employees will earn compensatory time at a rate not less than one and one-half hours for each hour of time worked over the 40 hour week rather than paid overtime, except in certain, special extenuating situations. If hours worked are less than 40, due to personal or sick leave, holiday, etc., compensatory time is earned at straight time rate (FLSA). Accruing compensatory time for work hours over 40 must be agreed to between supervisor and employee before performance of the work [29 C.F.R. §553.23(a)]. Supervisors will submit DEA Regulation, Exhibit D to the Executive Director of Business Services authorizing approval of compensatory time.

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If a non-exempt employee has more than one non-exempt job in the District, hours will be combined for calculating overtime; if the level of compensation differs, compensation for any overtime will be based upon a weighted average of the hourly rates in the two positions.

The regular practice of granting compensatory time off and/or overtime compensation at the option of the employer was placed in effect in the District on April 15, 1986. This agreement was upheld by Board of Trustee action.

Note: Unauthorized use and/or accrual of compensatory time by employees may lead to disciplinary action which may include termination of employment.

If the employee requests compensatory time off, he/she shall be permitted to use accrued compensatory time, with supervisor approval, within a reasonable period after it is requested, if to do so would not unduly disrupt the operation of the District.

Maximum compensatory time may be accrued by any affected employee up to 40 hours (not more than 40 hours of actual hours worked).

FLEX TIME

Non-exempt employees shall follow a pre-determined schedule as set by the immediate supervisor. Supervisors of non-exempt employees shall ensure that employees perform work during the schedule of hours on duty that each particular employee is assigned. However, in the course of normal operations, an employee may be approved to work an alternate schedule with prior written approval of their assigned supervisor and the Executive Director of Human Resources. The Executive Director for Human Resources is the only authorized person who will change time schedules in the automated time record of the employee using the district's information system.

For example, the District allows hourly employees to flex their work schedule in order to attend post secondary school in pursuit of college degrees. In these cases, with written prior approval of the immediate administrator and written approval of the Human

Resources Executive Director, an employee may adjust the workday to attend classes for a specified amount of time.

Note: The employee must still work the required 40 hours if he is a full-time employee. The schedule can be flexed in such a way that the employee might work 6 hours during one day and 10 hours on another day **in the same workweek but still meet the expectations and essential duties of their primary job description.** The actual hours worked are recorded, by day, by the time clock. The total number of hours worked by the employee on the flex schedule must equal the total number of hours the employee is normally required to work (40 hours).

Exempt employees requesting flex time will follow this procedure:

- Notify the principal or supervisor that you are requesting flex time. Indicate the days you are working that you are not scheduled to work for your calendar and identify the days you will be taking off. Include the reason you are requesting flex time.
- Upon approval from immediate supervisor, he/she will forward the request to the Superintendent or designee.
- Upon superintendent's (designee's) approval, Human Resources will notify the employee that the Superintendent/designee has approved the flex time.
- Employee will call the District's absence tracking system citing the reason as approved flex time for exempt employees.

Note: If you are absent on a regularly scheduled work day, you must call in the missed day as an absence. You may not work another day instead of calling the absence.

LUNCH

Non-exempt employees are not paid for lunch time and are entitled to and should take an uninterrupted lunch break. As of July 3, 2006, non-exempt employees are required to clock out for lunch and clock back in after the lunch break. Lunch breaks shall be no more than thirty minutes. An immediate supervisor may approve

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an hour lunch, but the employee must work an extra 30 minutes under the supervision of the immediate supervisor.

If an employee's lunch break is interrupted, is less than the authorized lunch break, or the employee works through lunch, then the employee must be compensated for the entire authorized lunch break. Employees need prior approval from the immediate supervisor to take less than their authorized lunch break time or to work through the lunch period. The immediate supervisor will inform the Executive Director of Human Resources, in writing, of non-exempt employees who regularly work through their lunch. Further, non-exempt employees are prohibited from eating at their desks or work stations as this is considered working through lunch.

TIME WORKED

According to FLSA, time worked is defined as **the time the employee is on duty, at the employer's premises or at any other site, where the employee is providing service(s) to the District.**

Non-exempt employees will receive compensation, either monetarily or in time, for all hours actually worked in excess of 40 hours per week.

Time worked does not include travel time to and from the employee's home. However, time spent by an employee in traveling from job site to job site during the workday must be counted as time worked. When an employee is required to report to a meeting place to receive instructions or to perform other work there, or to pick up and to carry tools, the travel from the designated place to the work place is part of the day's work, and must be counted as hours worked.

TIME ACCOUNTABILITY
PROCEDURES

The District is committed to properly compensating its employees as required by the Fair Labor Standards Act. As such, all hours worked by non-exempt employees for the benefit of the District must be recorded by the employee using the District's time clock or timesheet, and the employee will be compensated accordingly. Non-exempt employees who work "off the clock" or do not accurately record time worked will be disciplined which may include termination of employment.

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All non-exempt employees will be annually trained in these procedures and will acknowledge the training using form C-A for employees and C-B for substitutes.

Non-exempt employees shall adhere to the following procedures:

1. Time cards/sheets shall be maintained for all non-exempt employees including but not limited to secretaries, clerks, instructional aides, nurse's aides, cafeteria, transportation and maintenance personnel, security guards, substitutes, and custodial staff. These employees will use time clocks/time sheets for Fair Labor Standards Act (FLSA) accountability. The time clock (a) captures the actual time worked by a non-exempt employee, (b) calculates the comp time earned, and (c) tracks the employee's comp time balance. According to Board Policy and Administrative Regulation, all hourly employees and substitutes must use the time clock to record time worked. No one may clock in or out for another employee.
2. *Non-exempt employees shall promptly use the time clock to clock in and out on:*
 - a. *Arrival to assigned work site,*
 - b. *Start and end of lunch time,*
 - c. *Departure from work,*
 - d. *Leaving and returning during the day on personal business if authorized to do so by the immediate supervisor.*
 - e. *It is the employee's responsibility to insure your swipe reads "accepted" on the time clock in order to correctly capture work time.*

Failure to follow Time Accountability Procedures may lead to disciplinary action which may include termination of employment.

Note: In cases when a non-exempt employee does not have access to a time clock, timesheets may be used to account for time worked. Timesheets will be submitted to the immediate supervisor for approval and signature.

DISTRICT-ISSUED BADGES

All hourly personnel shall use district-issued badges in order to swipe in and account for time worked on the time clocks. Exempt

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employees may also be required to use district-issued badges to record their presence in district facilities for security reasons.

In the case of a stolen or lost badge, the employee will be required to:

- a. Inform the Human Resources office to begin the process and complete DEA Regulation, Exhibit I located under forms at www.canutillo-isd.org.
- b. Present Exhibit I to the School Resources Division and pay the cost of the replacement badge set at a minimum of \$15.00
- c. The original lost or stolen badge will be voided.
- d. Human Resources will inform the employee when they may pick up the new badge.

Note: Defective badges will be replaced at no cost to the employee.

TIME CLOCK REGULATIONS

This policy applies to all non-exempt personnel who are paid semi-monthly. One or more time clocks will be installed in each district facility and campus.

Time clock rules for paraprofessional, auxiliary, and all non-exempt employees are as follows:

1. Each employee will comply with CISD established time clock policies and regulations as described above on page 8, #2.
2. *No work will be performed beyond the scheduled work shift without prior approval from the immediate supervisor. The immediate supervisor must approve all overtime before it is worked.*
3. Note: Once the new administrative soft ware and time clock system is in place, the time clock will no longer round clock swipes at each swipe. At the end of the day, the time clock will adjust the employee's time according to the District's business rules.
4. A valid reason must exist for early swipe-ins or late swipe-outs. These irregular entries must be verified by the immediate supervisor on duty. In cases where the immediate supervisor does not approve the electronic timesheet(s), (s)he must report

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these situations to the appropriate supervisor who does approve the timesheet for pay authorization.

5. Employees may swipe in/out at work sites, other than the home base, with prior approval by his/her supervisor.
6. *Once the new time clock system is in place, it is highly recommended that the appropriate campus or division/department supervisor review and approve the electronic timesheets **daily**. **If swipe in and out anomalies exist on the timesheet, the supervisor must meet personally with the employee in order to correct the anomalies according to set policies and procedures. The time accountability system does not allow for an employee to adjust their own time record.***
7. Long intervals of work beyond the normal work time schedule must be justified by the supervisor. No supervisor will add work time to any employee's schedule simply to add time. Disciplinary action will be taken if time is added without just cause.
8. Employees must work the required number of hours daily. Payroll will pay or dock according to the employees work hours registered on the District time clock system.

WORKWEEK

The workweek is defined as 7 consecutive 24-hour periods. The workweek starts at midnight on Wednesday and ends at 11:59 p.m. on Tuesday. Every workweek stands alone in computing an employee's compensation. Different workweeks cannot be consolidated or averaged in determining compensatory time during a pay period.

The pay period schedule shall be established by the administration and included in the personnel handbook.

ADMINISTRATIVE
RESPONSIBILITY

The District will strictly enforce the wage and hour laws as outlined in FLSA. *Administrators are expected to comply with the guidelines outlined in regulation DEA and all other relevant policies and regulations. Failure of immediate supervisors to assure that hourly employees adhere to FLSA guidelines as outlined in Regulation DEA will result in disciplinary action which may include termination of employment.*

Note: The immediate supervisor is responsible for the hourly (non-exempt) employees assigned to their campus/work site. All

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immediate supervisors are responsible for the proper review and maintenance of employee electronic timesheets on a daily basis as recommended by the District.

EMPLOYEE
RESPONSIBILITY

Non-exempt employees are required to accurately reflect all hours worked for the District each day by swiping in and out on the time clocks provided at each District site. Employees may experience delays in full compensation and/or disciplinary action for failing to clock in/out prior to the cut off dates for payroll.

Since compensatory time/overtime starts accruing after 40 hours of work in a workweek, the employee must leave the job site immediately at the end of the work day.

Reminder: All compensatory time or overtime hours worked by the employee requires prior written approval by the employee's immediate supervisor.

Immediate supervisors who direct or knowingly allow employees to violate the guidelines outlined in this administrative regulation and other relevant policies may be recommended for disciplinary action up to and including termination of employment.

Actual time/date worked or missed must be recorded by the time clock, electronic timesheets, and/or the CATS system, as applicable.

Falsification of records regarding time worked, including overtime, will be considered cause for immediate termination.

AUTHORIZATION OF
COMP TIME

Under federal regulations following the 1985 amendments, the agreement or understanding may be evidenced by a notice to the employee that compensatory time will be given in lieu of overtime pay. In such a case, the understanding would be presumed to exist with respect to any employee who fails to object.

The immediate supervisor may authorize Compensatory Time/Overtime to meet their goals and objectives. Prior **written** approval from the supervisor must be obtained before the employee may work more than 40 hours a week. Refer to DEA Regulation, Exhibit D, for the form the supervisor will use to

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document compensatory time. Prior to working more than 40 hours in a work week, the non-exempt employee will be informed whether the time beyond 40 hours is to be compensated monetarily or in time [C.F.R. §553.23(a)].

Employees who work unauthorized compensatory time or work off the clock will be compensated. However, the employee will be subject to administrative action which may include termination of employment if not recorded accurately on the electronic timesheet. It is the supervisor's responsibility to prevent unauthorized compensatory time/overtime.

In cases of an emergency when a supervisor is unable to authorize compensatory time/overtime in writing, the employee should handle the emergency and then notify the supervisor immediately afterward. Abuse of this emergency clause could result in disciplinary action up to and including termination.

Hours of sick leave, personal leave, or vacation time will not be considered time worked. Hours in excess of eight per day will not be considered overtime unless the total exceeds 40 hours actually worked within the particular week.

AUTHORIZATION OF PAID
OVERTIME

The immediate supervisor must budget for paid overtime, request approval in writing to the Superintendent's designee (Human Resources Executive Director), and must be present to direct and supervise the paid overtime work. Refer to DEA Regulation, Exhibit D for form supervisors will use to document overtime approval. Hours of sick leave, personal leave, or vacation time will not be considered time worked. Hours in excess of eight per day will not be considered overtime unless the total exceeds 40 hours actually worked within the particular week.

All overtime situations must be properly recorded by use of the time clock or timesheets.

ACCUMULATION OF
COMP TIME (LIMITS)

Non-exempt employees cannot accrue more than 40 compensatory hours at anytime during the school year. Once these limits are met, the employee may be compensated monetarily for those overtime hours that exceed the limit of 40 hours. The immediate supervisor's budget will be charged for payment of overtime. If the

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department's budget does not have sufficient funds to cover payment of overtime then the supervisor will send the employee home to offset the excess overtime over 40 hours.

As a safeguard, the Business Services Division will review compensatory time balances at the end of January of each calendar year and report pay off of excess comp time balances to the Superintendent or designee.

In order to avoid accumulation of more than 40 hours of compensatory time, immediate supervisors will follow these procedures:

1. Direct the employee to take the time off;
2. Adjust the work schedule of the employee so that time worked beyond the work schedule is taken off before the time can accumulate at time and one-half.

In unusual circumstances where employees must work beyond the 40 hours to meet the needs of the District and can not take the time off, the following procedure will be followed:

1. The immediate supervisor will contact the Executive Director of Business Services to report the circumstances before the employee accrues additional compensatory time.
2. The Executive Director of Business Services will place the item on the Superintendent's cabinet agenda to determine action.
 - a. Cabinet may decide to compensate the employee for the compensatory hours accrued; or,
 - b. Develop a schedule by which the employee can take off the compensatory leave time with input from the immediate supervisor.

The 40 hour cap affects all non-exempt employees.

USE OF
COMP TIME

Immediate supervisors will monitor and manage their employee's comp time balances. The Division of Business Services will provide each site administrator with a detailed summary of accrued comp time for each of their assigned employees by pay period in order to facilitate this process.

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Non-exempt employees who have accumulated compensatory time will be required to use such compensatory time prior to utilizing state personal leave or local sick leave when they are absent from work. The immediate supervisor, with input from the non-exempt employee, may develop a plan by which that employee will be able to use or take off compensatory time in order to reduce the balance of hours the employee has accumulated.

An employee must be permitted to use compensatory time within a reasonable period after making a request if the use of the compensatory time does not unduly disrupt the operations of the district. Mere inconvenience to the employer is not a sufficient basis for denial of a request for use of compensatory time.

EMPLOYEE TRANSFERS

District employees will request transfers using the District's application system. Employees requesting transfers will inform the immediate supervisor of their request so that the immediate supervisor may approve the transfer using the District's application system.

The immediate supervisor must, in cases where an employee is granted a transfer or is assigned to another work location, ensure that the employee's comp time is "zeroed out" before the employee reports to his/her new assignment. The process will be as follows:

1. The Human Resources Division will notify Business Services and the School Resources Division when an internal transfer takes place.
2. Payroll will send a report to Human Resources of the pending compensatory time and vacation leave (if applicable) of the transferee.
3. The Executive Director of Human Resources will work with the transfer's current supervisor to zero out the pending time before the transfer is in effect.
4. Once the transferee has zeroed his comp time/vacation time, payroll will forward this information to the Human Resources Executive Director and the transferee's new immediate supervisor.
5. Supervisors will notify the Executive Director of Human Resources of any situation where a transferee's comp time or

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vacation time balance cannot be zeroed out before starting their new assignment so that a strategy can be followed that is fair to the receiving supervisor.

Note: Employees new to the District must serve at least four months in their position and receive a satisfactory performance letter from the Human Resources Division before they are eligible to seek transfer or promotion. Reassigned employees are eligible to seek transfer or promotion at any time when a vacancy occurs.

WAIVERS, DONATIONS OF,
OR REDUCED RATES OF
COMP TIME

Comp time must be accumulated and accounted for in compliance with the FLSA. Compensatory time cannot be waived by voluntary agreement between employer and employee. An employee cannot “donate” overtime or agree to reduce rates of paid overtime or compensatory time.

MONETARY COMPENSATION
FOR COMP TIME DUE TO
RETIREMENT, RESIGNATION,
LEAVE OF ABSENCE, OR
TERMINATION

The Human Resources Division is responsible for notifying Business Services of employees that are retiring, resigning, are on leave of absence (FML, workers’ comp leave, etc.), have been terminated, or are deceased. All accumulated compensatory time will be paid at the employee’s current rate of pay or the average regular rate received by the employee for the last three years of employment, whichever is higher.

OUT OF TOWN TRAVEL,
FIELD TRIPS, ETC.

To prevent FLSA violations and in the best interest of the District, **non-exempt** employees are usually prohibited from traveling out of town on overnight trips because of the complications dealing with accounting for actual hours worked. In rare cases when this type of travel is approved, travel must be approved in writing by the supervisor and the Superintendent and processed in compliance with the travel guidelines explained in Regulation DEE.

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is work time when it occurs during the employee’s scheduled work hours. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal, scheduled working hours, but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 8:00 a.m. to 4:30 p.m. from Monday through Friday, the

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travel time during these hours is work time, even if it occurs on nonworking days (Saturday and Sunday, or holidays). Regular meal period time is not compensable. Travel time is not compensable if it occurs outside normal working hours while traveling as a passenger on an airplane, train, boat, bus or automobile. [29 C.F.R. §785.41]

If an employee is driving a vehicle, the time is compensable regardless of when the travel occurs. [29 C.F.R. §785.41]

Any work which an employee is required to perform while traveling, must be counted as hours worked. An employee who drives a truck, bus, or automobile, or an employee who is required to ride therein as an assistant or helper is working while riding, except during bona fide meal periods.

Non-exempt employees may be approved to travel on a case-by-case basis. In these situations, the non-exempt employee must record actual hours worked using a District timesheet. In all cases, the employee must include a written explanation addressing the reason for the hours worked.

Non-exempt employees must be compensated for all work performed during field trips, for example, for starting early, working during lunch, and/or staying late.

MEETINGS AND/OR TRAINING For **non-exempt employees**, attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met:

- a) Attendance is outside of the employee's regular working hours;
- b) Attendance is, in fact, voluntary;
- c) The course, lecture, or meeting is not directly related to the employee's job; and
- d) The employee does not perform any productive work during such attendance.

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Normally, if all four criteria are not met, the time spent will be considered time worked and should be reflected on the clock or timesheet. There may be exceptions supported by FLSA provisions or court cases. For example, there are special situations where the time spent in attending lectures, training sessions, and courses of instruction is not regarded as hours worked. Specifically, the District may establish for the benefit of its employees a program of instruction that corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours will not be hours worked even if they are directly related to the job or paid for by the employer.

Direct any questions to the Executive Director of Human Resources.

MULTIPLE ASSIGNMENTS

It is common practice in school districts to employ one person in two different capacities such as custodians and bus drivers or instructional aides and bus monitors. In such cases, when both positions are nonexempt positions, a wage must be set for each job. The hours worked in both jobs must be weighted for overtime calculation.

To ensure adherence to FLSA requirements, each site administrator must submit a memo to the Executive Director of Business Services authorizing and describing the “extra” work an employee is doing. The Business Services Executive Director will set the wage amount for the extra job using District compensation scales to ensure all hours worked are paid accurately.

FOOD SERVICE SCHOOL
NUTRITION PROGRAM

Food Service employees who complete food service certifications in school nutrition will earn supplementary pay upon completion of their certificates according to the following schedule:

Level One	\$50.00
Level Two	\$100.00
Level Three	\$150.00

PROCEDURES

The following procedure will be followed in awarding supplemental pay upon completion of Level One, Two, or Three school nutrition certifications:

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Qualifying food service employees will complete the Supplemental Pay Request and Certification Form, DEA Exhibit B, and submit it to the Human Resources Division along with a copy of the proof of certification no later than August 15 of the fiscal year in which the pay will be encumbered.

SUPPLEMENTARY PAY FOR
NCLB INSTRUCTIONAL AIDES

Campus-based instructional assistants required to meet NCLB requirements will earn \$100.00 a year in supplemental pay if they have attained 1 and not more than 47 college hours and have passed at least six (6) college hours each fiscal year from an accredited college or university.

The above-referenced campus-based instructional assistants will earn \$200.00 a year in supplemental pay if they have attained 48 and not more than 89 college hours from an accredited college or university.

Campus-based instructional assistants required to meet NCLB requirements who have attained more than 89 college hours from accredited college or university will earn \$300.00 a year in supplemental pay.

PROCEDURES

Campus-based assistants seeking supplemental pay shall adhere to the following procedures:

1. During each fiscal year (September 1-August 31), and no later than August 15, campus-based assistants must present to the Human Resources Department official transcripts from an accredited college or university (or have official transcripts on file) as evidence of the college hours accumulated that year.
2. Complete the Campus-Based Assistant Supplemental Pay Request Form (Exhibit A) and submit it to the Human Resources Department.

If during the fiscal year, an employee advances in college hours to a higher supplementary level, they will receive the higher supplementary pay only.

PAY PERIOD

Upon certification of college hours, the supplement will be paid in full on the August 31 check.

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EXTRA DUTY STIPEND/
SUPPLEMENTAL PAY

Under DEA Local, only exempt employees are authorized non-contractual, extra-duty assignments.

Using the District's employee information software system, every employee seeking stipend-compensated work, shall fill out an application. Employees eligible to be considered for stipend-compensated work are employees in good standing with the district and who have not been subject to adverse district action in regard to their stipend-compensated work.

Supervisors will review their stipend applications and only recommend employees in good standing as self-reported on the stipend application. Human Resources will have final approval of the assignment of stipend-compensated extra duty.

Employees receiving stipends for extra-duty work must complete the work before or after their normal working hours for their district job. In other words, employees may not perform stipend-paid work during the time they are being compensated for their regular district job.

The District requires all employees to use the time clock to record the hours they are working to earn the stipend.

NON-EXEMPT EMPLOYEE
EXTRA DUTY STIPEND
SUPPLEMENTAL PAY

When a stipend or extra-duty pay is paid to exempt employees, time is not an issue. However, it is the issue for a non-exempt employee. Non-exempt (hourly) employees are subject to the rules and regulations of the FLSA and must receive overtime at the rate of time and one-half for hours spent over 40 hours a week.

Extra-duty assignments for non-contractual (non-exempt under FLSA) employees may be assigned if the duties are sporadic and occasional and are not related to their employment duties. In the instance when an exempt employee cannot be found to perform extracurricular or the supplemental duty, the site administrator must submit to the Human Resources Executive Director a memo authorizing the non-exempt employee to do the supplemental work. The Executive Director will set a wage for the work done. The employee will be paid on an hourly basis, including overtime compensation when hours worked exceed 40 in a workweek. The employee will clock in when doing

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this supplemental work using a different employee number. The hours worked in supplemental duties will be combined with the hours worked in the regular job assignment for determining the total hours worked each week.

In the case of stipend work, once the non-exempt employee has worked the time equal to the stipend amount, the employee is not approved to continue to work the supplemental duty. In other words, the non-exempt employee may not earn more than the stipend amount.

Please refer to DEA Regulation, Exhibit G, for the current "Extra Duty Stipend/Supplemental Pay Increment Schedule." In those assignments annotated with an asterisk (*), non-exempt employees may be eligible to receive the \$8.50 flat hourly rate (in lieu of the stipend, but not to exceed the entire stipend amount.) Under no circumstances can an hourly employee's duties be extended to perform UIL/Academic extra duties.

Non-exempt employees who perform supplemental duty work for stipend pay and are compensated more than the stipend amount may not be allowed to perform this type of work for the District in the future.

VOLUNTEERS

CISD non-exempt employees (hourly employees) are prohibited from volunteering any services to CISD. [29 C.F.R. §207 (p) (2)]

This includes volunteering at schools unless:

- 1) The employee has a child or grandchild attending the school at which the employee will be volunteering;
- 2) The employee does not provide the same type of services as provided to CISD during the normal workday; and
- 3) The employee is volunteering services to the school in the sole capacity of a parent or grandparent and not as an employee of CISD.

Note: Non-exempt employees who meet the criteria listed above must complete DEA Regulation, Exhibit E, and submit to the Human Resources office for approval and filing.

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Failure by a non-exempt employee to comply with this regulation will result in administrative action up to and including termination.

Immediate supervisors should ensure that non-exempt employees do **not** volunteer services to CISD. Prohibited services include but are not limited to serving as club sponsor, chaperone, coach or assistant coach.

Immediate supervisors who allow non-exempt employees to volunteer services to CISD are in violation of District policy and will be subject to disciplinary action which may include termination of employment.

Volunteer work that is related to a non-exempt employee's regular job is not considered voluntary and must be compensated appropriately.

TAKING WORK HOME

An employer or supervisor will be responsible for insuring that non-exempt employees they supervise are working in compliance with the FLSA. The legal standard is whether an employer could have learned of the employee's activities by making reasonable diligent inquiries. CISD supervisors should not permit non-exempt employees to take work home or otherwise work outside of the work site unless specifically required by the nature of the job, such as a bus driver.

Substitutes, office secretaries, bookkeepers, instructional aides, for example, are not permitted to take work home because the time is compensable, supervisor is not present, and there is no way to verify actual work time. There is no such thing as "volunteering to do work."

FILING A CLAIM

For FLSA purposes, an employee wishing to state a claim for back wages due to working unauthorized overtime or working "off" the clock must show, with definite and certain evidence, that he or she performed work for which proper compensation was not paid. A mere affirmation of hours worked does not constitute definite and certain evidence of actual hours worked. If a non-exempt employee has records of hours worked, the employee must notify their site administrator and Human Resources Executive Director

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in writing of all cases where they believe they have not been compensated in compliance with the FLSA.

The immediate supervisor is instructed to take immediate action to determine whether there is a basis for said claim. The site administrator is required to provide HR with a written statement addressing their findings. HR will work with the Business Services Executive Director to resolve all wage and hour issues.

The District may be bound to pay compensation claims. According to the Department of Labor, failure to know of FLSA employee violations is not a defense for an employer in an FLSA case. However, the District will take into account whether the employee willfully violated directives and/or or District policies and administrative regulations despite District annual training. *If the District finds that it must pay off the claim, the District will compensate the employee for their claim, but the employee may be disciplined which may include termination of employment.*

Claims that result in a monetary payment will be charged to the respective campus or department budget.

TRANSPORTATION
EMPLOYEES

Transportation employees will adhere to time-keeping methods as outlined by Human Resources Division, the Business Services Division, and Transportation Department. While bus drivers are on the clock, they must remain with their bus at all times. This means the drivers must be in the bus so they may properly insure that the bus is secured from harm with the exception of taking care of personal hygiene matters. Drivers are to advise the transportation office if they are leaving their bus. Bus drivers must protect their buses from vandalism at all times and must remain at the site of the activity until the activity has ended.

RECORDS AND RECORDS
RETENTION

The District will maintain in the central payroll office weekly time records of all non-exempt employees. Records will indicate all hours worked, including compensatory time earned and used. Weekly time records must be verified by the supervisor and the employee and submitted to the payroll office on designated dates. The principal, department head, or higher person in authority is responsible for maintaining and safeguarding the completeness and integrity of these documents.

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Supervisors are responsible for rectifying all timesheets with employee input prior to the cut-off date for payroll.

All payroll records, including time records, will be maintained for a period of four years and will be made available for inspection by government authorities upon request. These records must not be destroyed without prior written approval by the District's Custodian of Records. Address your questions to the District Custodian of Records (Human Resources Executive Director).

PAY PLAN ADMINISTRATIVE
PROCEDURES

Employee pay systems are designed and administered for the purpose of attracting and retaining qualified employees to achieve the goals of the district. (Exhibit H)

PURPOSE AND AUTHORITY

The superintendent is responsible for the development, maintenance, and administration of employee pay systems in accordance with board policies and procedures.

DEA Exhibit H is the Administrative Procedures Guide for the Employee Compensation Plan.

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WORKERS' COMPENSATION
PROCEDURES

Once an employee has been injured on the job, the following steps must be taken:

1. Report the accident to the supervisor immediately within 24 hours. The supervisor will report the injury to the Risk Management Specialist immediately for investigation purposes. In an effort to deter and detect fraudulent claims, accidents reported after the 24 hour period will require additional review and investigation by a human resources representative coordinating with the injured employee's supervisor. During holidays, weekends, or after office hours contact the Risk Management Specialist at **(915) 217-9478**.
2. Report to the nearest school nurse, if available. The nurse will check on the employee's welfare and determine the severity of the injury.
3. The injured employee will complete the Employee Incident Report Form (DEA Regulation, Exhibit J) with the school nurse. If a school nurse is not available, the department secretary will assist. Once paperwork is completed, please fax to Risk Management Specialist at **(915) 877-7576**.
4. If medical treatment is necessary, the school nurse will provide the employee with an Authorization for Medical Treatment (DEA Regulation, Exhibit K) with either Upper Valley Urgent Care Center or Vinton Medical Center.
 - The injured employee will take the paper work provided by the school nurse to a clinic named above. If the school nurse is not available, please contact the Risk Management Specialist at **(915) 877-7428** or **(915) 217-9478** for medical authorization.
 - In case of an emergency, the injured employee can seek medical attention with Providence Memorial Hospital.
 - Notify the medical provider that this is a worker's compensation claim for Canutillo ISD. **DO NOT CHARGE MEDICAL SERVICES RELATED TO AN INJURY TO YOUR REGULAR HEALTH INSURANCE PLAN.**

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5. An investigation of each and every accident will be conducted. Supervisors are responsible for conducting this investigation and filling out the Accident Investigation Report (DEA Regulation, Exhibit N). Investigations should be written in the supervisor's own handwriting and in their own words based on their investigation efforts (do not copy employee's report). This is essential to determine the cause of the accident and how to avoid the same or similar accident in the future. All witnesses must be interviewed and complete a Witness Report (DEA Regulation, Exhibit L). The report must list a corrective action that will be taken to prevent this type of injury from re-occurring.

The supervisor will fax the following reports to (915) 877-7576:

- Employee Incident Report (DEA Regulation, Exhibit J)
 - Witness Report of Employee Injury (DEA Regulation, Exhibit L)
 - Supervisor Report of Employee Injury (DEA Regulation, Exhibit M)
 - Accident Investigation Report (DEA Regulation, Exhibit N)
6. Should the Physician office require additional information, please have them contact the **Risk Management Specialist at (915) 877-7428 work / (915) 217-9478 cell, or the Benefit Specialist at (915) 877-7408.**
 7. An employee who has been injured on the job and receives the services of a physician must do the following:
 - Obtain a DWC-73 Form (Work Status Report) from the physician and submit it to the Risk Management Specialist prior to reporting back to work.
 - If the physician releases the employee back to work with restrictions, the employee cannot report back to his/her worksite until a modified duty position is assigned.
 - The district will make every reasonable effort to provide suitable return to work opportunities for every employee who is unable to perform his/her regular duties following a work related injury.

8. If the physician removes the employee from work, the Risk Management Specialist will ask the injured employee to fill out Sick Pay Election and possible FMLA forms. The Sick Pay Election form gives the employee the choice of using available leave to be paid at 100% for days absent or to be paid Temporary Income Benefits (TIB's) which will be paid at 70% to 75% of the employee's salary for the days absent. This paper work will be given and explained by the Risk Management Specialist.
9. **The time used for initial doctor visit on the day of injury will not be deducted from the employee's personal leave; instead, it will be treated as normal work time.** For follow up visits the injured employee will be allowed up to two hours to see a physician. The injured employee will schedule all doctors' appointments after 2:00 pm. Keep in mind that the injured employee's available leave will be deducted if the employee is off from work for more than two hours. If extra time is necessary to see the physician the injured employee must contact the Risk Management Specialist for authorization. All absences should be reported as work related injury to the supervisor and on the District employee management system.