



STAFF POLICY MANUAL

Policy A-43	COMPENSABLE WORK TIME – NON-EXEMPT EMPLOYEES		
<u>Effective Date:</u> 02/05/2018	<u>Applicable Law/Statute:</u> US. FLSA	<u>Source Doc/Dept:</u>	<u>Authorizing Pol/Reg.</u>

A. **APPLICABILITY.** Non-Exempt Classified, Non-Classified, Short-Term Employees.

B. **POLICY.**

1. Hours Worked.

- a. Non-exempt employees shall be compensated for all hours worked in accordance with the Fair Labor Standards Act (“FLSA”). All non-exempt employees must accurately record all hours worked.
- b. *Activities Before and After the Work Schedule.* When the District requires an employee to change into or out of uniform, engage in special washing or cleaning procedures, or perform other activities on or at a worksite before or after the work period, the time spent in such activities is considered time worked.
- c. *Meal Periods.* Except in the case of certain Public Safety personnel or unless otherwise approved by the employee’s immediate supervisor, a non-exempt employee will not be paid for a meal period of 30 minutes or more if the employee is entirely relieved of her or his duties.
- d. *Rest Periods.* Rest periods of 15 minutes or less, up to twice per day, may be taken by employees, the timing of which shall be at the discretion of the department director. Rest periods are paid time. Normal rest periods missed or not taken do not accumulate, cannot be added to other rest periods, and cannot be used to extend the unpaid meal period or added to the beginning or end of the workday. Notwithstanding any provision of this section, rest periods shall be accurately reported by the employee.
- e. *Starting Time.* A non-exempt employee shall not commence work more than seven minutes before the employee’s scheduled work time or continue working more than seven minutes after the employee’s scheduled work time without prior approval of the employee’s supervisor, except in emergency situations where advance approval cannot be obtained. An employee who violates this section may be subject to discipline; however, the employee must report, and the District will pay for, all hours worked.
- f. *Time Spent in Training.* Under certain circumstances, time spent attending a pre-approved training, program, seminar, conference, convention, course, or

workshop may be compensable.
See <https://www.dol.gov/whd/regs/compliance/whdfs22.htm>.

Travel Time. Under certain circumstances, a non-exempt employee may be compensated for travel time. Typical travel between home and the workplace is not compensable. See <https://www.dol.gov/whd/regs/compliance/whdfs22.htm>.

2. Overtime.

- a. Non-exempt employees shall be paid at the rate of one and one-half times the employee's regular rate of pay for all hours worked over 40 in a workweek. All overtime must be scheduled and approved in advance by the employee's supervisor, except in emergency situations where advance approval cannot be obtained. An employee who violates this section may be subject to discipline; however, the employee must report, and the District will pay for, all overtime hours worked.
- b. *Blended Overtime.* Blended overtime is additional work scheduled and performed on a continuous basis over a period of time in a different job than the primary job (does not include teaching). All hours worked over 40 in the workweek will be paid at the blended overtime rate.
- c. *Compensatory Time.* Non-exempt employees in participating departments may elect to accrue compensatory time off in lieu of receiving payment for overtime hours worked. Compensatory time will be earned at the rate of one and one-half hours for each hour of overtime worked. No employee may accrue more than 120 hours of compensatory time. An employee shall be paid for all overtime hours once the employee reaches the 120-hour maximum.
- d. *Workweek.* The workweek for FLSA purposes shall begin at 12:01 a.m. Saturday and end at 12:00 a.m. the following Friday.

3. Other Forms of Compensation.

- a. *Emergency Call-Back Pay.* Non-exempt employees who (a) have left the worksite and are unexpectedly required to return at a time outside the employee's normal work hours or (b) are required to report to work while on an approved leave of absence shall receive call-back pay. Call-back pay shall be the equivalent of three hours or the actual number of hours worked, whichever is greater. Travel time to and from work on a call-back is not compensable time.
- b. *Holiday Pay.* Non-exempt employees scheduled or required to work on a designated holiday shall (a) be paid for all hours actually worked at one and one-half times the employee's regular hourly rate of pay; and (b) receive up to eight hours of holiday pay (prorated to reflect the employee's full-time or part-time schedule) at the employee's regular rate of pay. If a designated holiday falls while an employee is on vacation, the employee will be paid holiday pay and not charged vacation leave.

- c. *On-Call Duty Pay.* Under certain circumstances, non-exempt employees who maintain availability to return to work within a specified time period during off-duty hours shall receive on-call duty pay. An employee shall receive 10% of the employee's base hourly rate of pay for each hour served in an on-call duty assignment.
- d. *Shift Differential Pay.* Non-exempt employees regularly scheduled to work certain evening and weekend shifts shall receive shift differential pay in the amount of \$0.50/hour.

REVISIONS

Type	Date	Description
Effective	02/05/2018	Initial Policy
Revision	XX/XX/XX	