

HERNANDO COUNTY SCHOOL DISTRICT



FAIR LABOR STANDARDS ACT (FLSA)



COMPLIANCE MANUAL

Revised 2019

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THE FAIR LABOR STANDARDS ACT (FLSA)

OVERVIEW

The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered non-exempt workers are entitled to a minimum wage. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek for non-exempt employees.

FLSA Minimum Wage: The Florida minimum wage is calculated by the Florida Department of Economic Opportunity yearly. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.

FLSA Overtime: Covered non-exempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours (seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.

Hours Worked: Hours worked ordinarily include all of the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace. All hours worked must be recorded daily on time and attendance logs.

Recordkeeping: Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records for a minimum of three (3) years.

EXEMPT AND NON-EXEMPT EMPLOYEE DESIGNATION

The Fair Labor Standards Act (FLSA) considers most non-instructional employees as “**non-exempt**”. This means that they must be compensated for all hours worked.

FLSA designates some employees as “**exempt**” from the overtime and minimum wage requirements of the FLSA.

1. There are four types of FLSA exemptions: executive, administrative, professional employees and highly compensated employees [29 Code of Federal regulations (C.F.R.) Part 541]. There are salary requirements for all types listed.
2. Exempt employees generally must be paid on a “salaried” or fee basis, earn at least \$913.00 per week, effective 12-1-2016 , and meet one of the “duties” tests below.
3. Employees who are exempt under the executive, administrative or professional exceptions must “primarily” perform executive, administrative or professional duties (i.e., generally at least 50% of the employee’s time). (29 C.F.R. part 541) “Highly compensated” employees must perform at least one of these duties.
 - a. Executive employees: Must be paid on a salary or fee basis and primary duty must include: (1) managing the enterprise in which he/she is employed or managing a recognized subdivision or department of the enterprise; AND (2) customary regular direction of two or more other employees AND (3) have authority to hire and fire other employees or have hiring and firing recommendations carry significant weight. This category includes superintendents and most supervisors, directors and principals.
 - b. Administrative employees: In addition to salary requirements, primary duty must include: (1) either performing office or non-manual work directly related to management policies or general operations of the employer OR performing functions in the administration of a school system (or department or subdivision) in work directly related to the academic instruction or training; AND (2) do work requiring the exercise of discretion and independent judgment with respect to matters of significance. This category includes assistant principals.
 - c. Professional employees:
 - “Learned” employees: Must have a primary duty that is the performance of work requiring knowledge of an advanced type, including the consistent exercise of discretion and judgment, in a field of science or learning, customarily acquired by a prolonged course of specialized intellectual instruction. This category includes teachers, Registered Nurses, and most instructional personnel.
 - “Artistic “exemption: Must have a primary duty that consists of the performance of work that requires invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

- “Computer” exemptions: Must have a primary duty that consists 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
 - 4) A combination of the aforementioned duties, performance of which requires the same level of skills
- 4. If an employee primarily performs non-exempt work, overtime and minimum wage requirements may apply. For example, if the Director of Maintenance spends most of his/her time doing hands-on maintenance, then he/she is most likely a “non-exempt” employee.
- 5. Substitute teachers are considered exempt employees.
- 6. FLSA provisions do not apply to the following “non-covered” persons: independent contractors, bona fide volunteers and trainees (ex. student teachers, interns).

EXEMPT EMPLOYEE INFORMATION

This section refers to employees who, because of their salary or duties, are exempted from the FLSA requirement for overtime compensation. This does not pertain to instructional personnel as this group is addressed in another section of this manual.

1. Employees in FLSA exempt positions are expected to work without regard to overtime. They are **not** eligible for payment of overtime or compensatory time.
2. FLSA exempt employees may be subject to structured work schedules as set by their supervisors and are required to receive prior approval to be absent from or to leave work during work hours.
3. FLSA exempt employees who are absent from the work place for less than one day normally shall deduct the length of the absence from the appropriate paid leave accruals (i.e. sick or vacation leave). It is recognized, however, that in certain circumstances, the fulfillment of an employee's responsibilities requires longer or more irregular hours than in other situations. In such instances, the supervisor may allow an employee the flexibility to attend to personal business away from work during normal work hours without requiring the use of accrued leave. Exercising this flexibility shall **not** amount to compensating the employee on an hour for an hour worked basis. Such time away from the work place that is not being deducted from leave accruals shall not be reported on the employee's time and attendance record.
4. Florida Statute 1012.67 states that any school district employee who is willfully absent from duty shall forfeit compensation for the time of such absence, and his or her employment shall be subject to termination by the School Board.
5. An exempt employee has virtually "no rights at all" under the FLSA overtime rules. An exempt employee is entitled to receive the full amount of the base salary in any work period during which he/she performs any work (less any permissible deductions). Nothing in the FLSA prohibits an employer from requiring exempt employees to "punch a clock", or work a particular schedule, or "make up" lost time due to absences. Nor does the FLSA limit the amount of work time an employer may require or expect from any employee.
6. If a previously categorized non-exempt employee becomes an exempt employee, payment of accrued comp time will be made during the pay period following the determination of exempt status.

Procedures to follow for exempt employees who are NOT teachers or instructional personnel:

1. Exempt employees are required to accurately note hours worked on Time and Attendance sheets.
2. In the event an exempt employee requests to "flex" their time a supervisor may keep a log of any time off that is not recorded on a Leave of Absence form for his/her documentation only and is not to be used to track leave. Flexing is to be used on a limited bases.
3. Supervisors are prohibited from tracking time, keeping a log, of exempt employees who have worked over 40 hours in a week as if it is "overtime" to be used at a later date for "flexing"

purposes. Allowing an employee to “flex” their time in lieu of using accrued leave is to be limited and reviewed on a case by case basis and only allowed in the week for which they have worked over 40 hours. Supervisors cannot approve a full day of leave as flex time; flex time can only be approved half a day’s time or less.

4. Supervisors must not allow “time off” on an hour-per-hour basis for hours of work performed by exempt employees.

INSTRUCTIONAL EMPLOYEE INFORMATION

1. The Fair Labor Standards Act (FLSA) considers instructional employees as “**exempt**” under the Professional Employee category. This means that they are exempt from earning overtime compensation.
2. **HCTA Contract Language:** All instructional employees will follow the guidelines set forth in the Hernando Classroom Teachers’ Association (HCTA) collective bargaining agreement. *

5.10 The duty day for full-time bargaining unit members shall be 7 hours and 45 minutes. With 24 hours notice, the administrator shall have the authority to extend the duty day and require bargaining unit members to remain on duty for an additional fifteen (15) minutes.

In the event of an emergency, the administrator may extend the duty day without prior notice. For this purpose, an emergency would include, but is not specifically limited to, threatening or dangerous weather conditions, lockdowns, threats to safety, or other emergency that the Superintendent gives approval to extend the duty day. Alternate Schedule Time will be given to bargaining unit members who are required to remain on duty in the event of an emergency as defined in this article. Administrators are permitted to require bargaining unit members to attend one open house per school year and meetings/events required by state and/or federal law. Alternate Schedule Time will be earned in accordance with Article 5.11.

5.11 The Board and Association agree the professional responsibilities may, on occasion, extend beyond the seven and three-quarter (7 ¾) hour duty day. Alternate Schedule Time (AST) may be earned for specific duties which extend beyond the duty day provided it meets the following criteria.

A. Earning Alternate Schedule Time

1. The earning of AST must be agreed upon in advance by the site administrator and the bargaining unit member. Examples of situations that AST can be earned include, but are not limited to, open houses, extended faculty meetings, and parent-teacher meetings.
2. AST shall be earned in quarter-hour increments and is accruable in the school year in which it is earned.
3. AST can only be earned for duties that are in no other way being compensated for, including differential pay.

4. Bargaining unit members are permitted to volunteer for activities beyond the contract day without asking to accrue AST. Duties performed without prior administrator approval will be considered as voluntary.
5. Opportunities to earn AST shall be as equitable as possible.

B. Using Alternate Schedule Time

1. AST may be used in quarter-hour increments with the mandatory, prior approval of the site administrator.
2. AST may only be used during pre and post school, professional days, early release days, or before and after student hours.
3. All unused AST will lapse at the end of the contract year or upon resignation or termination of the bargaining unit member.
4. Accrued AST does not follow a bargaining unit member who voluntarily requests to transfer to a different site during the school year.
5. No monetary reimbursement shall be awarded for AST.
6. No reason shall be required for the use of AST.
7. All records of AST will be maintained by the bargaining unit member's site administrator.

**The wording above is subject to change and will be modified based on negotiated contract language.*

3. Extracurricular activities compensated through differentiated pay are exempt from hourly pay requirements when carried out by teachers or other exempt employees such as administrators. This exemption allows the district to compensate such exempt employees for these additional responsibilities on a stipend/fixed amount basis rather than at an hourly rate.

4. Procedure to follow:

1. If a teacher works beyond the 7 ¾ hours **with** prior approval:

The principal may allow time off during non-student contact time. FLSA guidelines prohibit this time from being given on an hour-per-hour exchange basis and is at the discretion of the principal.

2. A supervisor may keep a log of any time off that is not recorded on a Leave of Absence form for his/her documentation only.
3. If a teacher is repeatedly asked to stay after the workday has ended due to late student pick-ups, etc.:

The teacher should make this fact known to the administrator so that appropriate measures can be taken to resolve the matter. Every effort should be made by the administration to be equitable in regard to assigning duties that often require staying past the end of the workday.

4. If a teacher stays for a planned parent conference/student issue **without prior approval:**

The teacher will not be eligible for any extra compensation or time off due to FLSA guidelines and the HCTA contract.

ADDITIONAL DUTY AND ADDITIONAL WORK PAY FOR EXEMPT EMPLOYEES

Additional Duty are duties being performed in addition to the employee's normal daily work but are not an extension of the employee's regular job duties. For instructional personnel, the salary is the base hourly rate on the instructional salary schedule according to the degree the employee holds. For non-instructional personnel, the rate of pay is determined by the funding source.

Additional Work are duties being performed in addition to the employee's normal daily work and are an extension of the employee's regular job duties. For instructional personnel, the salary is the employee's regular rate of pay plus any longevity pay that employee is entitled to. For non-instructional personnel, the rate of pay is determined by the funding source.

Payment of Additional Work or Additional Duty will be included in the pay period following the period you performed the work unless otherwise specified, i.e. some grants or other funding sources may require payment be made monthly, quarterly, bi-annually or annually.

NON-EXEMPT EMPLOYEE INFORMATION

1. The Fair Labor Standards Act (FLSA) considers most non-instructional employees as “**non-exempt**”. This means that they must be compensated for all hours worked.

2. **HUSW contract language:** All non-instructional employees will follow the guidelines set forth in the Hernando United School Workers (HUSW) collective bargaining agreement.*
 - A. Overtime: Employees who work more than forty (40) hours in a work week shall be paid at the rate of one and one-half (1 ½) times their regular hourly rate or given comp time in lieu thereof; provided, if the employee and the Superintendent, or his/her designee, cannot mutually agree that the time will be placed in the employee’s Comp Time Bank, the employee will be paid. Overtime not paid shall be placed in the employee’s Comp Time bank on one and one half (1 ½) times the overtime hours worked. When it is used or paid it shall be charged against the employee’s Comp Time bank hour for hour.
 - B. Comp time: For hours worked in excess of forty (40) hours in a work week, Comp Time shall be earned at one and one half (1 ½) times the hours worked. Upon cessation of employment, employees will be compensated in cash for comp time remaining in their Comp Time Bank at their current rate of pay.
 - C. Time off: Employees shall take comp time off of their Comp Time Bank by mutual agreement.
 - D. Hours Counted. Compensable absences shall be counted as hours worked solely for the purpose of computing entitlement to overtime. No other time, except actual hours worked, shall be counted as time worked for the purpose of computing entitlement to overtime.
 - E. Holiday work: Work on a holiday, Saturday or Sunday shall be paid or Comp Time given on the same basis as overtime plus any applicable premium rate as set forth in Article XXI, Section 4 of the contract.

**The wording above is subject to change and will be modified based on negotiated contract language.*

3. **COMP TIME procedure to follow:**

- A. If a non-exempt employee works beyond his/her normally scheduled workday **with** prior approval:

Hours must be documented on an Authorization to Accrue Comp Time Form (6700 F1). This method of compensation must be agreed upon by the employee and supervisor prior to working the extended hours -or-
Hours must be documented by the supervisor on a Request for Authorization to Pay for Overtime Form (6700 F2). This method of compensation must be approved by the supervisor and superintendent prior to working the extended hours.
- B. If a non-exempt employee works beyond 40 hours in a workweek **without** prior approval (except in the case of an emergency):

The employee must be compensated either by adding time to the employee’s Comp Time Bank or with overtime pay. This decision must be mutual and the employee will be disciplined for working without approval.

- C. When a non-exempt employee uses accrued comp time:
He/she must complete a Leave of Absence form (1430 F1, 3430 F1, 4430 F1) indicating that he/she wants to have time off charged to his/her Comp Time Bank and have the form signed by an administrator/supervisor.
- D. Comp Time Records are “public record” and must be kept for three years.
- E. Comp Time Bank balances carry forward each year. Employees are encouraged, however, to use accrued comp time within one school year. If an employee moves to another work site within the district, the Comp Time Bank follows them. Employees are encouraged to use accrued comp time **prior** to a move.
- G: Employees who work less than 40 hours per week (i.e. paraprofessionals) will be compensated at their regular rate of pay. After they work 40 hours per week they are entitled to comp time at the time and a half rate.
- H: If an employee is asked to work overtime at the end of the workweek (staying late on Friday after working 40 hours that week), the employee must be given comp time or paid overtime. Employees cannot “flex” their hours the following week to make up for the hours worked in the previous week.

COMPENSABLE WORK TIME AND EXAMPLES OF HOURS WORKED for NON-EXEMPT EMPLOYEES

1. Compensable Time Defined

a. Hours Worked

Employees must be compensated (in accordance with the Board-approved salary schedule and collective bargaining agreements) for all hours worked in a workweek. In general, hours worked includes:

- All the time an employee must be on duty;
- All the time an employee must be on the employer's premises;
- All the time an employee must be at any other prescribed place of work; and
- Any additional time the employee is allowed (i.e., "suffered or permitted") to work.
- For HUSW bargaining unit members only, compensable absences (i.e. paid sick/vacation days) shall be counted as hours worked solely for the purpose of computing entitlement to overtime. See Article XI Section 9: Hours Counted in the HUSW Collective Bargaining Agreement.

b. Suffered or Permitted to Work

If an employer **knows or has reason to know** that an employee is continuing to work, it is considered work time. 29 C.F.R. Sec. 785.11.

- 1) This includes allowing employees to work at home 29 C.F.R. Sec. 785.12. ***Working at home is not permitted.***
- 2) If an employee works additional straight time (at the regular rate of pay) or overtime hours **without authorization**, he/she must still be **compensated**. However, the employee will be disciplined for violation of policy or insubordination.

c. Volunteering to Perform Regular Work

Employees **cannot volunteer to perform their regular work duties** off the clock and without compensation. 29 U.S.C. Sec. 203(e)(4)(A). Even if an employee offers to do the work "on their own time", he/she must still be compensated. Employees cannot waive the requirements of the FLSA.

2. Examples of Hours Worked

- **Attendance at in-service trainings, meetings or lectures** unless all of the following are true:
 1. attendance is outside the employee's regular working hours; AND
 2. attendance is voluntary; AND
 3. the activity is not related to the employee's job; AND
 4. the employee performs no productive work (i.e. no financial gain for the employer during the attendance).
- **Work done before or after regular hours or on weekends**
- **On-call time** (if the employee is required to remain on the employer's premises or so close that he/she is unable to use the time effectively for his/her own purposes while on call)
- **Transporting material to a worksite before the start of the workday**
- **Time spent preparing for work** (such as bus drivers doing safety checks before the route or securing the bus after the route)
- **Clean up work at the end of the shift**

- **Travel time during the workday from one job site to another** (such as itinerant employees traveling from one school to another) Time driving to and from a worksite at the beginning or end of a shift is not compensable.
- **Travel time overnight** (The employee must be compensated for any travel time during the regular working hours, even if it is the weekend. If the travel time is outside of the regular working hours, the employee must be paid for any time spent driving or actually working, but does not have to be paid for the time spent as a passenger.)
- **Attending a school board meeting at night** either to take minutes or perform some other required or assigned duty
- **For HUSW bargaining unit members only: compensable absences shall be counted as hours worked** (i.e. paid sick/vacation days) for non-instructional bargaining unit members only. See Article XI Section 9: Hours Counted in the HUSW Collective Bargaining Agreement.

HERNANDO COUNTY SCHOOL DISTRICT FLSA INFORMATION

WORKDAY AND WORK SCHEDULES

Work schedules for all employees will be defined by the superintendent or his/her designee, and be consistent with the Fair Labor Standards Act and in conjunction with applicable bargaining unit agreements. The workday will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require time beyond the designated work schedule.

WORKWEEK DEFINED

For purposes of Fair Labor Standards Act compliance, the workweek for school district employees will be 12:00 a.m. Monday until 11:59 p.m. Sunday. Working hours for all employees not exempted under the Fair Labor Standards Act, including secretaries, cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. All positions will be classified as exempt or non-exempt and every employee will be made aware of such classifications. Supervisors will make every attempt to avoid circumstances which require non-exempt employees to work more than 40 hours per week. A copy of the Fair Labor Standards Act and any administrative procedures established by the superintendent will be available to employees through the Human Resources Department.

OVERTIME AND COMPENSATORY TIME

A non-exempt employee shall not work overtime without the express approval of his/her supervisor. All overtime work for pay must be expressly approved in writing by the superintendent or his/her designee. Principals and supervisors shall monitor employees' work, shall ensure that overtime provisions of this policy and the FLSA are followed and shall ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee. The Finance Department will review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one half (1.5) hours for each hour of overtime worked. Employees must be allowed to use compensatory time within a reasonable period after it is earned. FLSA limits comp time accrual to a **maximum of 240 compensatory time hours** (160 hours worked at 1 ½ times accrual rate) before the employee must be compensated. In addition, upon leaving the school district, an employee must be paid for any unused compensatory time at the rate of not less than the higher of the average regular rate received by

the employee during his/her last three years of employment or the final rate received by the employee, whichever is higher.

Non-exempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees will be able to access the Hernando County School District FLSA Compliance Manual on the HCSD website and will be provided with a copy if a request is made to the Human Resources Department. Employees will be asked to sign a form acknowledging that the Manual was made available to them.

NURSING MOTHERS

Under the provisions of the Fair Labor Standards Act, the District shall provide reasonable unpaid breaks for a non-exempt employee to express breast milk for her child for up to one (1) year after the birth of the child. A private area, free from intrusion, shall be made available to the employee. A nursing mother shall be responsible for notifying her supervisor of her intent to exercise her right under the Fair Labor Standards Act.

ATTENDANCE EXPECTATIONS

All employees are expected to be present during all working hours. Absence without prior approval from an administrator or supervisor (also called absence without authority –AWA), chronic absences, habitual tardiness, absences without paid leave or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

FORMS TO BE USED

- ✓ **Authorization to Accrue Comp Time Form (6700 F1)**
- ✓ **Request for Authorization to Pay for Overtime (6700 F2)**
- ✓ **Exempt Employee Access and Authorization Form (6700 F3)**
- ✓ **Non-Exempt Employee Access and Authorization Form (6700 F4)**
- ✓ **Volunteer Acknowledgement Form (6700 F5)**

RULES FOR VOLUNTEERS

1. The FLSA allows people to volunteer for public agencies for civic, charitable or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered.
2. School district employees, however, may not volunteer for the school district unless they are considered “bona fide volunteers”.
3. An employee is a bona fide volunteer if:
 - a. the employee’s services are offered freely and without pressure or coercion, direct or implied, from the employer, and
 - b. the employee does not perform the same type of services as his/her regular job
4. Employees cannot volunteer to perform their regular work duties off the clock and without compensation. (29 U.S.C. @ 203 (e)(4)(A)) Even if an employee offers to do the work “on their own time,” he/she must still be paid. Employees cannot waive the requirements of the FLSA.
5. A question to ask when considering whether an employee is a bona fide volunteer is whether the employee could choose not to show up to perform the volunteer duties or at any time could quit performing the duties he/she is volunteering to perform without negative impact on his/her employment.
6. The volunteer restrictions apply to work done for the employer, not the particular school. Thus, a bus driver working at the elementary school cannot volunteer to drive the bus at the middle school.
7. Any employee who wishes to volunteer must sign an FLSA Volunteer Acknowledgement (6700 F5), available at www.hernandoschools.org , and present it to the site administrator prior to volunteering.

FREQUENTLY ASKED QUESTIONS

1. **What if I want to put in extra time over 40 hours to get my work done?** *If you are a non-exempt employee you may only do so with the prior approval of your supervisor. Employees who disregard this rule will be disciplined.*
2. **What if my supervisor asks me to stay late to finish work?** *You must first both agree that you will receive comp time for the extra time worked and an Authorization to Accrue Comp Time Form must be signed. If you prefer to be paid for overtime your supervisor must secure prior approval of the superintendent by having the Authorization to be Paid for Overtime Worked Form signed.*
3. **What is the HCSB policy on Comp time?** *Compensatory or “comp” time is given to any non-exempt employee who works over 40 hours in a workweek and follows FLSA guidelines.*
4. **What is the HCSB policy on Flex time?** *Flexible schedules may be used either by non-exempt or exempt employees. All flexible schedules require prior approval by an immediate supervisor. Employees should request flex time on a temporary and infrequent basis. Logs of flex time are prohibited; flex time is to be used in the same week in which employee worked over 40 hours only.*
5. **Can I flex a full day?** *No. Flex time can only be used if taking a partial day – less than half a normal day’s hours. I.e. if you are contracted to work 8 hours, you can only flex 4 hours or less.*
6. **Do teachers earn comp time?** *Teachers do not earn comp time. An administrator may give permission for a teacher to have some time off if the teacher has been asked to work beyond his/her normally scheduled hours. Supervisors must not allow time off on an hour-per-hour basis for work performed by an exempt employee.*
7. **Do paras earn comp time?** *Paras earn comp time (time and a half) if they are asked to work over 40 hours in a workweek. **When can they use it?** Paras can use comp time whenever they have prior approval of their administrator.*
8. **Can I use comp time before it is accrued?** *No*
9. **How do I document that I have earned comp time?** *Non-exempt employees will notate the hours worked on the Authorization to Accrue Comp Time Form and have it signed prior to working extended hours. The non-exempt employee will also note hours worked on their time sheet.*
10. **Do I keep my comp time if I transfer to another site?** *Yes. Your Comp Time Bank will transfer with you to any location. You are, however, asked to use the time before transferring to a new site, if possible.*
11. **Can I choose to get paid time and a half instead of earning comp time?** *Yes. It is your choice to receive pay rather than earn comp time, however, the Superintendent must pre-approve, in writing, any request for overtime pay in lieu of comp time. Request to accrue comp time must be mutually agreed upon by you and your immediate supervisor prior to working extended hours.*

12. **I am a supervisor who has told my nonexempt employees to NOT come in early or stay late but they do anyway. What should I do? Do I have to pay them overtime?** *You must compensate them for any time worked over 40 hours even if your employees have been told not to work early or late. However they will be disciplined for insubordination and this discipline may lead to termination.*
13. **A non-exempt employee asks to take his lunch hour during the last hour of the day. Can the supervisor allow this?** *This change to lunch schedule should only be allowed when it does not disturb the work flow and is not done frequently by the same employee. The employee should sign out on a site/department sign out sheet indicating that lunch is being taken at the end of the workday. This sheet should be retained by the timekeeper. The employee should sign his/her timesheet indicating the correct time that he/she left.*
14. **Is an employee permitted to change his/her work hours by taking lunch or break time at the end of each day and leaving early?** *No.*
15. **Do times on timesheets have to be exact?** *Timesheets must accurately reflect the hours worked. Employees may sign in up to 7 minutes prior to the scheduled work time and sign out up to 7 minutes after the scheduled work time without the expectation of additional compensation. This does not permit employees to report to work later than the assigned time or leave prior to the end of shift.*
16. **Where can I learn more?** *Visit the U.S. Department of Labor's website at: www.dol.gov/whd/regs/compliance/hrg.htm*