

Louisiana Special School District Overtime Policy

Applicability

This policy shall apply to all employees of the Louisiana Special School District (SSD).

Purpose

This policy provides guidelines for the consistent management of overtime compensation for required, authorized work which must be done beyond an employee's regular work schedule or scheduled work period. Employee compensation for overtime shall be in accordance with the State Civil Service Rules, Executive Order JBE 2016-75 and the Fair Labor Standards Act (FLSA), with the FLSA taking precedence in the event of a conflict within these provisions.

Definitions

1. **Overtime** - Time actually worked by an employee at the discretion and direction of the Superintendent of the Special School District:
 - In excess of regular duty hours in the workday;
 - In excess of regular duty hours in the scheduled work period;
 - On a day observed as a holiday; or,
 - On a day the office is officially closed.
2. **Scheduled Work Period** - The designated period of time an employee is scheduled to work without being subject to the overtime requirements of the FLSA. This generally will be a 40-hour work week, but may extend to an 80-hour bi-weekly work period for exempt employees or an 86-hour bi-weekly work period for employees engaged in law enforcement activities or certain healthcare activities as authorized by the FLSA.
3. **Regular Work Schedule** - The designated, recurring work hours and days an employee is required to work.
4. **Hours Worked** - All time during which an employee is required or permitted to perform duties in furtherance of the interests of the SSD.
5. **FLSA Overtime** - Compensation for overtime to a non-exempt employee required by the FLSA which necessarily involves payment of wages or crediting of compensatory leave for hours actually worked in excess of the scheduled work period. Such compensation will be at the time and one-half rate.
6. **State Overtime** - Compensation for overtime to an employee who either is exempt from the overtime provisions of the FLSA or has not actually worked in excess of the scheduled work period. Such compensation generally will be at the straight-time rate.
7. **Compensatory Leave ("K-time")** - Leave earned in lieu of paid wages at the straight-time or time-and-one-half rate as compensation for overtime hours worked. Crediting of such leave is based upon a determination of the employee's status as exempt or non-exempt under the FLSA and also upon the number of hours actually worked throughout the scheduled work period.

8. **Official Work Domicile** - The parish in which an employee's primary duty station is located or such other area as may be formally designated by the Superintendent.
9. **Emergency Situations** - A Governor-declared State of Emergency or activation of the State Emergency Operations Center at Level 3 or above. The event shall end on the day and time designated by the Governor or the Commissioner of Administration.
10. **Non-Exempt Employee** - An employee who occupies a position covered by the overtime provisions of the FLSA, thereby requiring that he or she be compensated in accordance with the FLSA at the time and one-half rate for hours actually worked in excess of the scheduled work period.
11. **Exempt Employee** - An employee who occupies a position not covered by the overtime provisions of the FLSA, thereby permitting him or her to receive no compensation for overtime hours worked except as authorized by this policy.

NOTE: The classification of a position as exempt or nonexempt is dependent upon criteria set forth in the FLSA. This determination is made based upon the employee's salary and an evaluation of duties actually performed. The designation of positions as exempt or non-exempt is maintained by and available from Human Resources.

Crediting Overtime

Overtime compensation is credited based upon hours worked and leave usage during the scheduled work period. Non-exempt employees are entitled to compensation credited at the time-and-one-half rate only after actually working hours in excess of the scheduled work period. Thus, the use of leave of any nature or the occurrence of a holiday during a scheduled work period affects the rate of compensation to which a non-exempt employee is entitled.

For purposes of crediting hours worked for State Overtime, time off from work due to paid leave (annual/sick/compensatory leave, holiday, office closure, jury duty, etc.) is considered to be time worked; however, time off from work due to paid leave is not considered to be time worked for purposes of crediting hours worked for FLSA Overtime.

Designation and Compensation

General Provisions

- Hours actually worked at designated locations due to and directly related to an emergency situation during official office closures may be compensated via the payment of wages calculated at the time and one-half rate, along with the office closure pay required by the Civil Service Rules.
- Hours actually worked at designated locations due to and directly related to an emergency situation beyond an employee's regular work schedule may be compensated via the payment of wages calculated at the time and one-half rate with prior approval of the State Civil Service Commission.
- The Superintendent reserves the right to approve payment of wages at the appropriate rate, rather than credit compensatory leave, for designated projects or work assignments which require an employee to actually work beyond his regular work schedule.

Non-Exempt Positions - Overtime hours worked by employees who occupy non-exempt positions are to be compensated as follows:

- Compensatory leave shall be calculated at the time and one-half rate for overtime hours actually worked in excess of the scheduled work period (FLSA Overtime); and
- Compensatory leave shall be calculated at the straight-time rate for overtime hours worked in excess of the regular work schedule when the total number of hours actually worked is not in excess of the scheduled work period (State Overtime).

Exempt Positions - Overtime hours worked by employees who occupy exempt positions are to be compensated via the crediting of compensatory leave at the straight-time rate.

Overtime for Meal Periods

Designated meal periods are not considered work time and employees are not allowed to work during the scheduled meal period without supervisory authorization. If a non-exempt employee is required or permitted to work through the designated meal period, approval for overtime is required and the work shall be compensation at the appropriate rate under the FLSA.

Overtime for Attendance at Conferences, Conventions, and Training Programs

When an employee is required by the Superintendent to attend a conference, convention, seminar, workshop, training course, or related activity on weekends or beyond the regular work schedule, all time actually spent participating in program activities shall be designated as hours worked for which compensation at the appropriate rate is required.

Meal periods and social events are not considered conference program activities and are not to be designated as work hours. When an employee elects, at his own expense, and is permitted by the Superintendent to attend a non-mandatory conference, convention, seminar, workshop, training course, or related activity during regular work hours, he shall receive no additional compensation for travel to or participating in program activities beyond the regular work schedule.

Overtime for Travel

While in authorized travel status for official State business purposes, overtime compensation at the appropriate rate is required for the reasonable and necessary time spent beyond the regular work schedule in transit to and from the destination.

1. **Home-to-Work Travel**

Daily travel to and from the customary work site is not compensable work time.

When an employee has returned home after completing a day's work and subsequently is called back to work after hours, the Superintendent may designate all or a portion of the time spent on such travel to and from the work site as work time for which compensation at the appropriate rate may be authorized.

Similarly, if an employee is contacted and required to report to work on a weekend, on a holiday (which is not part of the employee's regular work schedule), on a regularly scheduled day off, or during an office closure, the Superintendent may designate all or a portion of the travel time to and from the work site as work time for which compensation at the appropriate rate may be authorized.

2. Conference Travel

Authorized travel to and from a conference, convention, seminar, workshop, training course, or related activity, when attendance is required, to the extent such exceeds the employee's normal home-to-work travel time, shall be designated as hours worked for which compensation at the appropriate rate is required. Hours worked cease upon arrival at the destination.

Travel beyond the regular work schedule to and from a non-mandatory conference, convention, seminar, workshop, training course, or related activity elected by an employee shall not be designated as hours worked for which compensation is required or permitted.

3. Airline Travel

If travel by airline is required beyond regular work hours, hours claimed for compensation purposes shall be limited to no more than two hours in the airport prior to the designated flight departure time and continuing through the time of arrival at the destination.

4. Regular Travel

Travel time beyond the regular work schedule away from the customary work site which is necessary to place the employee at a work location for a meeting, an onsite visit, or to perform field work or similar activity, to the extent such exceeds the employee's normal home-to-work travel time, shall be designated as hours worked for which compensation at the appropriate rate is required.

Limits on Accrual of Compensatory Leave

1. Leave Earned at Time-and-One-Half Rate

For most employees, the FLSA permits the accrual of compensatory leave earned at the time and one-half rate only up to a maximum cap of 240 hours. However, for qualifying healthcare activities, the maximum cap on accrual is 480 hours. For any FLSA-qualifying overtime in excess of these caps, non-exempt employees shall be paid wages at the time and one-half rate for the pay period such overtime hours are earned.

Supervisors are required to monitor overtime worked to ensure that the limits are not exceeded.

2. Leave Earned at Straight-Time Rate

Compensatory leave earned at the straight-time rate may be accrued without limitation. For most employees, not more than a total of 360 such hours may be carried forward from one fiscal year to the next. For employees engaged in qualifying healthcare activities, not more than a total of 540 such hours can be carried forward from one fiscal year to the next. These caps apply to both exempt and non-exempt employees.

For non-exempt employees whose straight-time compensatory leave balance exceeds the applicable cap, payment for the excess compensatory leave shall be made within 90 days of the beginning of the fiscal year.

For exempt employees whose straight-time compensatory leave balance exceeds the applicable cap, payment for the excess compensatory leave may be made within 90 days of the beginning of the fiscal year. Any such payment shall be at the sole direction and

discretion of the Appointing Authority, and subject to the availability of funding. All straight-time compensatory leave above the applicable cap, if not paid, shall be canceled by the Superintendent within 90 days of the beginning of the fiscal year.

Required Overtime and Use of Compensatory Leave

Supervisors may require employees to work overtime at any time, including during emergency situations and office closures, as necessary to accomplish job assignments and serve the public's needs. Employees can be disciplined, up to and including termination, for failing or refusing to work overtime as directed by supervisory personnel.

An employee may be required by supervisory personnel, with the approval of the Superintendent, to use all or part of his or her accrued compensatory leave at any time. Compensatory leave earned at the time-and-one-half rate shall be used before compensatory leave earned at the straight-time rate.

Compensatory Leave Payment Upon Transfer or Separation

1. **Leave Earned at Time-and-One-Half Rate**

All unused compensatory leave accrued at the time and one-half rate shall be paid upon transfer from one State agency to another or upon separation from State employment.

2. **Leave Earned at Straight-Time Rate**

All unused compensatory leave accrued at the straight-time rate by non-exempt employees shall be paid upon transfer from one State agency to another or upon separation from State employment.

All or a portion of an exempt employee's unused compensatory leave accrued at the straight-time rate may be paid upon transfer from one State agency to another or upon separation from State employment. Any such payment shall be at the sole direction and discretion of the Superintendent and subject to the availability of funding. All straight-time compensatory leave, if not paid upon separation or transfer, shall be canceled and will not be re-credited upon reemployment by the State.

Compensatory Leave Payout Calculations

In paying the value of accrued compensatory leave as required by this policy, the following shall apply:

- The hourly rate of pay for State Overtime earned at the straight-time rate shall be calculated using the employee's base pay.
- The hourly rate of pay for all FLSA overtime shall be calculated in accordance with the FLSA.
- The hourly rate of pay for State Overtime earned at the time-and-one-half rate may be calculated in accordance with the FLSA or using the employee's base pay.

Miscellaneous Provisions

1. All employees at the time of hire are required to acknowledge that they have been presented and understand the content of this policy, including how the policy applies to their employment with the SSD.

2. Employees are required to secure supervisory approval prior to working overtime except in extenuating circumstances (emergency situations, critical deadlines, meeting extends beyond scheduled departure time, etc.). If not pre-approved, all overtime hours worked must be timely reported by the employee, along with an explanation of the nature of the work performed and the business need therefor.
3. Overtime should be limited and authorized only when the required work cannot be completed during the regularly scheduled work period.
4. Overtime hours worked should be submitted for payroll purposes during the pay period in which the overtime is worked.
5. The Superintendent may authorize payment of all or a portion of an employee's accrued compensatory leave at any time.
6. When an employee chooses, with permission, a different mode of travel than that required by the Superintendent, any additional travel time incurred as a result of the employee's option shall not be considered hours worked for overtime purposes.

Required Overtime and Use of Compensatory Leave

Any employee found to have knowingly and intentionally falsely claimed or approved overtime compensation will be subject to disciplinary action, including the possibility of termination. Additionally, falsely claimed overtime will be reported to the appropriate authorities in accordance with Louisiana Revised Statutes (La. R.S.) 24:523. Employees should be aware that criminal prosecution and other disciplinary actions pursuant to law or policy may ensue for such violations.

Any employee who repeatedly works and claims overtime without prior authorization will be subject to disciplinary action, including the possibility of termination.

Exceptions

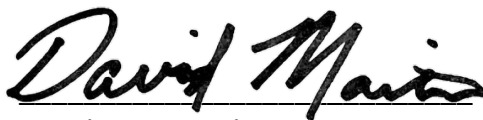
Requests for exceptions to this policy shall be submitted to the Office of Human Resources with specific and compelling written justification. Exceptions may be granted only by the Superintendent and then only if such is determined to be in the overall best interest of the SSD and in conformity with applicable laws and regulations.

Questions

Questions regarding this policy should be addressed to the Office of Human Resources.

REFERENCES: La. R.S. 24:523; Louisiana Civil Service Rules, Chapter 21: Overtime and Overtime Compensation; 20 U.S.C. 201 *et seq.*, Fair Labor Standards Act

AUTHORIZED BY:



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Date