



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G - Personnel
POLICY TITLE: Overtime, Flexible Work Time, and Emergency Time
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TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. SCOPE
 3. DEFINITIONS
 4. PRIOR APPROVAL REQUIRED
 5. OVERTIME
 6. FLEXIBLE WORK TIME
 7. EMERGENCY TIME
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1. PURPOSE AND PHILOSOPHY

Nebo School District complies with the [Fair Labor Standards Act of 1938 \(FLSA\)](#), as amended, in compensating nonexempt employees. The Board of Education recognizes that some nonexempt employees will occasionally need flexibility in the number and scheduling of hours worked each week. Therefore, the Board adopts this policy to outline provisions governing overtime, flexible work time, and emergency time, as those terms are defined below.

2. SCOPE

This policy applies only to employees who are not exempt under Section 213 of the FLSA ([29 U.S.C. § 213](#)). In general, the provisions governing minimum wage and maximum hours found in Sections 206 and 207 of the FLSA do not apply to “any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)” or to “any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker” under certain conditions. [29 U.S.C. § 213\(a\)\(1\) and \(17\)](#). Such employees are therefore exempt from the overtime requirements of the FLSA. Exempt employees, which in Nebo School District include all certified employees, all members of the management team, and certain classified employees as determined by their job description and/or hiring authorization, are not eligible for overtime pay or emergency compensatory time.

3. DEFINITIONS

3.1. “Exempt employees” are executive, administrative, professional, or computer employees, as defined in the FLSA and described above, including teachers and academic administrators. Exempt employees include all certified employees; all members of the management team; and all classified employees employed in executive, administrative, professional, or certain computer-related positions as described in Section 2. This policy does not apply to exempt employees.

3.2. “Nonexempt employees” are employees who are not exempt under the FLSA or Section 3.1 of this policy. Nonexempt employees include classified employees who are not employed in executive, administrative, professional, or certain computer-related positions as described in Section 2. This policy applies only to nonexempt employees.

- 3.3. **“Overtime”** means hours worked in excess of forty (40) hours in a workweek. Hours worked do not include leave hours used or applied during a workweek.
- 3.4. **“Overtime pay”** is payment to an employee for overtime hours worked at a rate of one-and-a-half (1.5) times the regular payment rate.
- 3.5. **“Flexible work time” or “flex time”** means an alternative work arrangement between a supervisor and an employee to allow time off during a workweek to compensate for additional time worked during the same workweek.
- 3.6. **“Emergency time”** means hours worked outside the regular work schedule of an employee for emergency situations. Emergency situations include immediate needs for snow removal or building repairs that if not performed would inhibit the instruction of students in schools or the performance of work by employees. Emergency time is available only to those whose work is based out of the Maintenance Building unless an exception is approved by the Director of Operations and Superintendent.
- 3.7. **“Emergency compensatory time” or “emergency comp time”** means paid time off that is earned and accrued by an employee for emergency time worked in lieu of overtime pay. Emergency comp time is calculated at one-and-a-half (1.5) hours times the number of hours of emergency time worked.
- 3.8. **“Workweek”** means the period of time from Sunday to the following Saturday.

4. PRIOR APPROVAL REQUIRED

An employee must receive prior approval from his or her supervisor before working overtime, working a flex time schedule, or working emergency time. Supervisors may approve an employee's overtime, flex time schedule, or emergency time only when necessary to satisfy urgent or time-sensitive needs of the school, department, or district that cannot reasonably wait until the next day or workweek. In emergency situations an employee may work overtime, a flex time schedule, or emergency time without prior approval, but the supervisor must be notified as soon as possible and within the same pay period in which the overtime, flex time schedule, or emergency time was worked. Supervisors must assess whether the overtime, flex time schedule, or emergency time was necessary and issue counsel or discipline when necessary.

5. OVERTIME

- 5.1. A nonexempt employee who works overtime will receive overtime pay at a rate of one and one-half (1.5) times the employee's regular hourly rate for each overtime hour worked. . If the overtime worked is in relation to emergency time, the employee may receive emergency compensatory time as described in Section 7
- 5.2. A nonexempt employee required to work on any Board-approved holiday will receive overtime pay at a rate of one and one-half (1.5) times the employee's regular hourly rate for each holiday hour worked. If the overtime worked is in relation to emergency time, the employee may receive emergency compensatory time as described in Section 7. The overtime pay or emergency compensatory time will be in addition to the regular pay the employee may have received for not working the holiday, if any.

6. FLEXIBLE WORK TIME

- 6.1. Flex time is intended as an occasional, alternative work arrangement between an employee and a supervisor that allows the employee to take time off on one particular day for additional time worked on a different day when the total amount of time worked does not exceed forty (40) hours in a workweek. For example, if an employee hired to normally work 5 hours per day works 6 hours one day, the employee's supervisor may allow or require the employee to work only 4 hours another day, within the timeframes outlined below, as consideration for the extra hour worked.

- 6.2. Flex time is allowed at the discretion of the employee's supervisor and may be used when an employee is required to work extra hours in a day or to accommodate irregularities in the employee's normal schedule, such as to allow the employee short amounts of time off for doctor appointments, family events, etc. Flex time should not be used in a way that results in employees regularly working a different schedule or more hours than they were hired for.
- 6.3. For full time employees, the additional time worked in a flex time situation and the corresponding time taken off must occur in the same workweek so as not to exceed 40 hours worked in a workweek.
- 6.4. For part time employees, the additional time worked in a flex time situation and the corresponding time taken off may cross multiple workweeks within the same pay period, but the total time worked in one workweek may not exceed forty (40) hours.
- 6.5. Use of flex time must be agreeable to both the employee and the supervisor and must not disrupt the normal operations of the school, department, or district.

7. EMERGENCY TIME

- 7.1. A nonexempt employee required to work emergency time may receive either overtime pay or emergency compensatory time at the employee's discretion. The emergency compensatory time accrues at a rate of one and one-half (1.5) hours for each hour of emergency time worked.
- 7.2. Emergency compensatory time must be used in a timeframe agreeable to both the employee and the supervisor, but it must be used within the same calendar year in which the emergency time was worked for which the emergency comp time accrued (in other words, by December 31). The supervisor must give prior approval for the use of emergency comp time. All unused emergency comp time will be paid out as of December 31 each year and included in the next paycheck.
- 7.3. An employee may not accumulate emergency compensatory time beyond a maximum of two hundred forty (240) hours, or thirty (30) days, whichever is smaller. If emergency time is worked beyond the maximum amount of emergency comp time allowed, the emergency time over the maximum amount allowed will be paid out as overtime pay.

EXHIBITS

None

REFERENCES

[Fair Labor Standards Act of 1938, 29 U.S.C. § 201, et seq.](#), [29 C.F.R. Chapter V](#)
Nebo School District Classified Employee Handbook

FORMS

None

HISTORY

Revised: 14 June 2023 – Eliminated comp time; added emergency time; made technical changes.

Revised: 10 January 2018 - Revised definition of comp time; added computer employees; changed workweek to Sunday to Saturday; removed requirements for timecards and recordkeeping due to implementation of timeclocks; extended time to use comp time to within same calendar year; made technical changes.

Adopted: 7 October 2015.
