



SECTION V: EMPLOYEES

POLICY 5060

CLASSIFICATION OF EMPLOYEES AND RIGHTS AND RESPONSIBILITIES INVOLVING NONEXEMPT EMPLOYEES

It is the policy of Broken Arrow Public Schools to ensure compliance with the Fair Labor Standards Act (FLSA). The District will correctly classify employees as exempt or nonexempt, and will ensure that those nonexempt employees required to work overtime as a condition of their employment receive compensation for approved overtime. The District's construction and interpretation of this policy shall be consistent with the mandatory provisions of the FLSA.

Exempt Employees

In accordance with the FLSA, exempt employees do not receive overtime. Exempt employees include staff classified as executive, administrative and professional personnel. The Executive Director of Administrative Services is responsible for determining exempt status based upon FLSA mandatory provisions including, but not limited to, job duties, authority, compensation, significance of decision-making, management/supervision, etc. Examples of positions identified as exempt include Superintendent, Assistant Superintendent, Directors, Teachers, Nurses, Psychologists, Counselors, etc.

Nonexempt Employees

Non-exempt employees are entitled to overtime for all hours worked in excess of 40 in a work week. Examples of non-exempt employees include bus drivers and aides, cafeteria workers, custodial workers, daycare workers, health aides, secretaries and clerical support employees, accounting clerk, computer technicians, maintenance and grounds workers, etc.

Non-Covered Employees

The FLSA provides that certain individuals associated with the District are not covered by the Act. These include volunteers, independent contractors, legal advisors, certain trainees, appointed members of the Board of Education, elected members of the Board of Education, etc.

Payment of Overtime

The district will pay approved overtime at a rate not less than one and one-half times the non-exempt employee's regular rate of pay for each hour worked over 40 in a given work week. As a general rule, overtime earned in a particular work week will be paid, where possible, on the regularly scheduled payday for the period in which such work weekends. When the correct amount of overtime compensation cannot be determined by that date, the District will pay it on the next regular pay period. For the overtime rate to be paid, the employee must have worked in excess of 40 hours in a week. If 40 hours have not actually been worked due to sick, vacation or personal day usage, the extra time will be paid at the employee's regular hourly rate up to 40 hours.

Emergencies-Exceptions

An emergency circumstance is defined as an unforeseen circumstance that impedes the normal operation of the district and/or jeopardizes the safety of students or staff, compromises building security, or results in potential damage to district facilities. Staff called to report to work due to an emergency will be paid their overtime rate with a 2-hour minimum regardless of hours actually worked during the work week. It is the responsibility of the Superintendent or his/her designee to so classify a situation as an emergency and authorize the premium rate.



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Authorization Required for Overtime

Voluntary overtime is strictly prohibited. Employees are not permitted to work overtime without the prior written authorization of the employee's supervisor and/or the Superintendent designee. An employee who works overtime without authorization will be subject to discipline up to and including the possibility of termination. If for any reason the employee is unable to obtain approval of overtime prior to working overtime, he/she is required to immediately bring overtime work to the attention of his/her supervisor. **Supervisors are required to strictly enforce the District's prohibition of unauthorized overtime.** To this end, a supervisor must not allow an employee to work overtime if the supervisor knows or reasonably suspects that the employee is working in excess of hours authorized. **A supervisor who fails to take reasonable action to enforce the District's Policy will be subject to discipline up to and including possible termination of employment.**

Use of Time Clocks or Other Time Records

Non-exempt employees are required to use the District's automated timekeeping system. Those employees who perform seasonal jobs only or who have no access to an automated card reader will keep a manual timesheet approved by the supervisor. Every employee is responsible for the complete and accurate reporting of his/her time, and must verify that the time reported is truthful to the best of the employee's knowledge and experience. Employees are not permitted to clock in for any other employee, nor sign another employee's timesheet on their behalf.

Employees must not clock in more than seven (7) minutes prior to the beginning of the employee's work schedule, or more than seven (7) minutes after the end of the schedule. Early or late clock-ins/outs in excess of seven (7) minutes deviation from the assigned work schedule must be justified and approved by the supervisor. The accumulation of extra time or overtime by virtue of early or late clock-ins is prohibited. An employee who does not have prior written permission and who is found to have clocked in more than seven (7) minutes before his/her schedule, or clocked out more than seven (7) minutes after his/her schedule, will be in violation of the provisions of this policy. Time accumulated on the time clock before or following the employee's scheduled work hours will not be considered as time worked.

Each site/department will designate an "approver" who is responsible for verifying hours worked by non-exempt staff and submitting the automated report of hours worked to the Payroll Department by the established deadline. Each employee listed on the report will verify the accuracy of their reported time by signing the report. Any discrepancies must be reported to the supervisor prior to submission of the payroll report.

Meal Breaks

Meal breaks for non-exempt staff are intended to be a minimum of 30 minutes in length. It is required that the employee be relieved from duty and take the meal break away from their immediate work area. Should exceptions occur in which the employee must return to duty prior to completion of the meal break, or should the employee be unable to be relieved from duty, said employee will immediately notify the supervisor and obtain approval for the exception.



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Volunteer Activity

Due to FLSA regulations, non-exempt employees may only volunteer as a parent/grandparent/etc. in a role typically assigned to volunteers. Additionally, those volunteer services must be unrelated to the employee's compensated duties.

Flex Time

Flex time off is not to be utilized in lieu of payment of overtime unless the flex time off is taken during the same work week in which the overtime was worked.

Discrepancies

If at any time an employee believes that he or she has been docked wages improperly or has received inaccurate pay, the employee shall immediately bring the matter to the attention of his/her supervisor or the Executive Director of Administrative Services. If the alleged error or wrongful deduction was made toward the end of the District's fiscal year, the employee shall ensure that his/her complaint is filed in accordance with the above instructions no later than ten (10) business days prior to June 30. The employee shall identify in writing the error or discrepancy, the date it was allegedly made, and an explanation of why the employee believes an error exists. The claim shall be promptly investigated and a reimbursement made if the alleged error is substantiated.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*
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