

FAIR LABOR STANDARDS ACT (FLSA) OVERTIME PROVISIONS

Section A: Coverage

The provisions of the Fair Labor Standards Act cover the following non-instructional employees (nonexempt): confidential exempt employees, employees on the GO salary schedule, paraprofessionals, school support employees, clerical personnel, and all personnel in the AFSCME, DCSMEC, and FOP bargaining units. The FLSA exempts executive, administrative, and professional employees including certificated personnel such as teachers and counselors from its minimum wage, overtime, and compensatory time requirements.

Section B: Overtime Compensation

Overtime pay or compensatory time must be granted to all covered employees (nonexempt) who work over forty (40) hours per week in one or more positions, at one or more work locations. Specific provisions of the FLSA amendments, including M-DCPS administrative guidelines for implementation, are as follows:

1. Overtime compensation shall be paid to non-instructional personnel who work more than 40 hours a week in:
ALL FULL-TIME POSITIONS;
A FULL-TIME POSITION PLUS A PART-TIME POSITION;
OR A COMBINATION OF TWO OR MORE PART-TIME POSITIONS.
2. A full-time employee performing an additional part-time job (same job code) must be paid a rate of time and one-half of the normal rate for the additional part-time job.
3. A full-time employee performing an additional part-time job (different job codes) must be paid an overtime rate for the additional job based on the weighted average of the full and part-time hourly rates as calculated by Compensation Administration.
4. A part-time employee performing an additional part-time job who works in excess of 40 hours per week shall be paid an overtime rate on the secondary job based upon the weighted average of the hourly rates as calculated by Compensation Administration.
5. A full-time employee who also works part-time in a different job is excluded from the overtime provisions of the FLSA, only if:
 - a. the part-time work is on an occasional or sporadic basis (temporary and intermittent work); and,
 - b. the work is done at the option of the employee.

Overtime compensation is required for all hours worked for M-DCPS in excess of 40 hours per week regardless of whether the employee is working in multiple jobs, work locations or programs.

Section C: Compensatory Time-Off

1. Compensatory time is authorized only for eligible non-instructional employees and is accrued at a rate of one and one-half hours of compensatory time for each hour of work.
2. The maximum number of hours of compensatory time which an eligible M-DCPS employee may accrue is 30 hours (i.e., 20 hours of employment at time-and-one-half) at any given time.
3. Upon termination for any reason, upon assignment to a different M-DCPS position, or at the conclusion of the fiscal year, an eligible employee shall be paid for authorized, accrued, compensatory time, based upon his/her rate of pay in the previous position. Accrued compensatory time shall not be carried over into the next fiscal year. Payment for such authorized, accrued compensatory time must be reported for payment no later than the last pay period of the fiscal year. Such payments shall be charged to discretionary accounts.