

## **Support Staff Supplementary Pay Plans/Overtime**

### **Overtime**

The administration shall determine which school district employees are subject to the minimum wage and overtime requirements of federal law. These non-exempt employees shall be paid overtime at the rate of one and one-half times the regular rate of pay for hours worked in excess of 40 in any work week.

Alternatively, in lieu of overtime compensation non-exempt employees may receive compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required.

A determination as to whether overtime shall be compensated by overtime pay or by compensatory time shall be made prior to the performance of the work.

An employee shall be permitted to use compensatory time within a reasonable period of time after making a request to the supervisor. Such requests shall be granted if the use of the compensatory time does not unduly disrupt the operations of the school district.

A non-exempt employee may accrue no more than 240 hours of compensatory time in accordance with federal law unless the employee's supervisor gives advice that accrual of additional hours is allowed under the law.

All overtime work shall require the advance approval of the superintendent, CFO or a designee. An effort shall be made whenever possible not to schedule non-exempt employees for more than 40 hours per week.

All hours worked shall be accurately recorded in the manner required by the employee's supervisor.

### **Rates for supplementary services**

District employees who put in extra hours to supervise and/or serve community groups using school facilities shall be paid at the rate established by the Board for such contract services. Any supplementary pay shall be in accordance with federal law.

Minimum wage and overtime requirements in Colorado are established and controlled through federal law, the Fair Labor Standards Act (FLSA), and the Colorado Constitution. While the FLSA establishes the federal minimum wage which all covered nonexempt employees must be paid, Colorado has also set a minimum wage that exceeds the federal minimum wage.

In 2016, Colorado voters passed Amendment 70, which progressively raised the state minimum wage each year, beginning in 2017, and provides that, "this minimum shall be paid to employees who receive the state or federal minimum wage." Colo. Const. art. XVIII, 15. The FLSA also requires that, in cases where an employee is subject to both state and federal minimum wage laws, the employee receives the higher wage. Accordingly, effective January 1, 2021, under the minimum wage requirements set in the Colorado Constitution, all employees must be paid at least \$12.32 per hour.

Adopted: August 11, 1987

Revised: March 7, 2000

Revised and recoded: November 15, 2011

**Revised: November 16, 2021**

LEGAL REFS.: 29 U.S.C. 201 *et seq.* (*Fair Labor Standards Act*)  
29 C.F.R. Parts 510 to 794

CROSS REF.: KF, Community Use of School Facilities

**Montezuma-Cortez School District Re-1, Cortez, Colorado**