

DEFINITION OF WORKWEEK AND OVERTIME AND COMPENSATORY TIME

All classified employees shall be considered subject to the minimum wage and overtime provisions of state and federal law unless specifically shown to be exempt.

Workweek

For the purposes of calculating overtime, the District defines the workweek as beginning on Sunday and ending on Saturday. *Note: Under state law, a workweek is a seven-day period. Ensure that your definition of workweek meets this standard.*

Overtime Restrictions

Non-exempt employees are restricted from working more than 40 hours a week without prior written permission from the Superintendent immediate supervisor. Non-exempt employees who work more than 40 hours a week without authorization are subject to disciplinary action up to and including discharge.

The **Superintendent** shall determine if it is necessary for non-exempt employees to work overtime hours. Non-exempt employees shall be required to perform all overtime hours assigned to them.¹ Supervisors are charged with ensuring that employees do not work overtime hours except as assigned. Failure to enforce this requirement may result in discipline of the supervisor.

Recordkeeping

Accurate records shall be kept of hours worked by all classified employees. The Superintendent shall institute a system of recordkeeping.

Compensation

Overtime hours will be compensated in accordance with the Fair Labor Standards Act and the North Dakota Department of Labor Regulations.

Employees will be reimbursed with overtime compensation in accordance with law for all overtime worked unless the District and employee agree to compensatory time off in lieu of overtime pay. Employees shall be notified of this arrangement before performance of overtime work.

If an employee is employed for two or more different positions which have different rates of pay, the District will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee before the work is performed to pay overtime at the overtime rate of pay for the actual work performed after the first forty hours of work in that work week.²

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DCB-E, Compensatory Time Off Law

¹You have the right to assign overtime hours unless the overtime hours assigned are excessive.

²This agreement would be beneficial to the District only if the overtime hours could be controlled so that they were always at the lower rate.

End of [Name of District] Policy DCB Adopted:

[03/15]