
AURORA PUBLIC SCHOOLS

APS Code: GDBC

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Revised November 2007

CLASSIFIED EMPLOYEE SUPPLEMENTARY PAY/OVERTIME

Compensation for overtime worked (generally those hours over 40 in a workweek) shall be paid pursuant to law.

AURORA PUBLIC SCHOOLS

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Revised June 2011

CLASSIFIED STAFF SUPPLEMENTARY PAY/OVERTIME

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All overtime shall have the prior approval of an employee's supervisor and be recorded on the appropriate time reporting form or electronic self-service reporting system. Employees who work overtime without approval shall be subject to appropriate discipline.

For work performed in excess of 40 hours per week, classified employees who are not exempt from overtime compensation under the law shall receive overtime compensation at the rate of one and one-half times their normal hourly wage for time in excess of 40 hours.

A supervisor may assign overtime to some or all employees when the supervisor believes it to be necessary. With the exception of the foregoing, employees shall be given an opportunity to accept overtime voluntarily.

Compensatory time (defined as crediting an employee who works in excess of 40 hours in a single workweek with accrued paid time off in lieu of wages for additional time), is not available in the district. In all cases, employees who work overtime shall be compensated in wages rather than additional time off or may use flex time with supervisor approval. Flex time may only be used in rare instances when a supervisor requires or permits employees to alter their schedule during one work week (the seven days from Sunday to Saturday) in order to remain within 40 hours. Flex time should not be used for more than one half of the employee's workday. Flex time may be used anytime during the workday with prior approval from the employee's supervisor.

For purposes of calculating overtime compensation, holidays, sick days, and any other leaves taken during the workweek will not count as hours worked.

CROSS REF.: GDKA-R, Length of Support Staff Workday

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Salary Basis Regulation

Many school district employees are subject to the Fair Labor Standards Act (FLSA), a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. The Board of Education directs that the school district comply at all times with this and other applicable employment laws.

Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. (teachers are “professional employees” under the law.) Section 13(a)(1) and section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than a set amount (which when this regulation was adopted was \$455 per week.) Job titles do not determine exempt status. In order for an exemption to apply, an employee’s specific job duties and salary must meet all the requirements of the U.S. Department of Labor’s regulations.

Salary Basis Requirement

To qualify for exemption, employees generally must be paid at not less than a set amount on a salary basis. These salary requirements do not apply to outside sales employees, teachers, employees practicing law or medicine, and some computer employees.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. In general, the predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee’s predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a “salary basis,” unless one of the exceptions below applies. If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available.

Circumstances in Which the Employer May Make Deductions from Pay

Deductions from pay are permissible:

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- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- When an exempt employee has absences of one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- To offset amounts exempt employees receive as jury or witness fees, or for military pay; or
- For unpaid disciplinary suspensions of one or more full days imposed in good faith on exempt employees for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary:

- In the initial or terminal week of employment;
- For penalties imposed in good faith for infractions of safety rules of major significance; or
- For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

In these three circumstances, either partial day or full day deductions may be made.

School District Policy

It is the policy of this school district to comply with the salary basis requirements of the FLSA. Therefore, all district managers are prohibited from making any improper deductions from the salaries of exempt employees. The chief personnel officer is directed to make employees aware of this policy and that the school district does not allow deductions that violate the FLSA.

What to Do if An Improper Deduction Occurs

If any employee believes that an improper deduction has been made from his/her salary, the employee should immediately report this information to his/her direct supervisor, or to the office of

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human resources.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made.

CROSS REF: 2-C.F.R. 541.602 – 604