

**TIME WORKED AND ABSENCE RULES FOR NON-EXEMPT EMPLOYEES DEAB-R**

Non-exempt employees are subject to the Federal Labor Standards Act with regard to the calculation of time worked and payment for time worked in excess of 40 hours per week. All non-exempt employees are required to clock in and out to indicate the hours they work each day. **In this document, the word “employee” shall mean non-exempt employee.**

**General Rule**

As a general rule, an employee shall only be clocked in on the time clock when actually performing work for the District. The District has provided Paid Time Off and State Personal Leave in quantities that are sufficient to cover most times when an employee is not actively working. Below are some rules and definitions to help clarify what is considered “time worked” and how various absences from work affect “time worked.” As with all policies and procedures, there may be occasional exceptions to these rules which may be approved by the Superintendent.

**Time Worked**

Time worked is any time the employee is on duty at the employer’s premises or at any other site, including the employee’s home, if the employee is providing services for the District. Time worked does not include travel time to and from the employee’s home but does include travel time between job sites during the workday. Time worked includes breaks as described in this document. Time worked includes the time an employee spends on jury duty but only during the employee’s standard work day. Jury duty beyond the standard work day hours or on non-work days shall not be included in time worked. School related absences are also considered time worked but only to the extent described under other sections in this document which relate to the specific reason for the absence. If an employee is required by their supervisor to work outside their normal schedule to help with a school sponsored activity (i.e. banquets, track meets, back to school events, etc.) the time shall be considered time worked. However, fund raising events conducted after scheduled work time (including those for DEF and Quest) are not considered school related activities. Employees who help with those types of events outside their normal work schedule shall not be considered to be providing services for the District and the time shall not be considered time worked.

**Overtime**

If an employee performs work for the district in excess of 40 hours in a work week, the employee is entitled to overtime compensation at 1.5 times their standard hourly rate for those excess hours. Any time the employee is not performing work for the district, whether that time is paid or not, shall not be included when calculating overtime. However, jury duty and school related absences shall be included as time worked for overtime calculations. An employee may, with some restrictions, choose to be compensated with compensatory time rather than overtime pay (see “Compensatory Time” in this document.) Supervisors are responsible for controlling the overtime of their employees. Abuse of overtime by the employee or supervisor may result in disciplinary action. Employees who work overtime without their supervisor’s approval shall still be compensated for the time worked but may be subject to disciplinary action as a result. (See “Work Schedule” in this document for additional information about employees working outside the normal schedule.)

**Compensatory Time in Lieu of Overtime Pay**

Under the Fair Labor Standards Act, non-exempt employees must be compensated for all time worked. Hours worked in excess of 40 per week may be compensated by giving the employee compensatory time off rather than overtime pay. Compensatory time shall be granted at 1.5 times the number of overtime hours worked. The District shall pay the employee for overtime that does not exceed 4 hours per monthly pay period. If the employee accrues 4 hours or more of overtime during the monthly pay period, the employee may choose to receive comp time rather than overtime pay by emailing Lisa Jones ([lisa.jones@dumasisd.org](mailto:lisa.jones@dumasisd.org)) and indicating the number of hours of comp time desired.

**Compensatory Time in Lieu of Pay for Non-duty Days**

Occasionally, an employee may be asked by their supervisor to work days that are not in their work schedule. Because these non-duty days are not included as work days in the employee's annual estimated pay, the employee must be compensated for them with compensatory time off. Compensatory time shall be granted at 1 times the number of regular hours worked and 1.5 times the number of overtime hours worked. The employee and supervisor shall complete and sign the "Authorization for Nonexempt Employee to Work on Days Not Included in Regular Work Schedule" and return the form to the Payroll Department with the time sheets for the period.

**Compensatory Time – General**

The balance of accrued compensatory time shall not exceed 80 hours at the conclusion of the employee's work schedule for the year. If an employee has a balance of more than 80 hours of comp time, the employee will be required to use the excess comp time or, at the District's option, will receive pay for the hours at the employee's regular rate of pay. Employees who resign or retire shall receive payment at their regular rate of pay for any remaining accrued compensatory time in their last check. Comp time records are created by the time clock system and balances shall be maintained by the payroll department. Supervisors shall not maintain separate comp time records for their employees. Please note that Board policy requires comp time to be used before any other paid leave when an employee misses work.

**Breaks**

Breaks are not required by federal, state or local laws. Supervisors may grant employees a 20 minute break for each 4 hours of scheduled work time. For custodial and cafeteria staff, the Director of Operations and the Director of Food Service, respectively, shall decide whether or not their employees are granted breaks. These breaks will be counted as time worked and the employee is not required to clock in and out. Supervisors may require that employees work through their break to meet an urgent need and breaks will only be allowed at the sole discretion of the supervisor. Some particular job requirements may preclude the granting of breaks because the work cannot be interrupted. Breaks shall not be taken in the morning to cover being late to work or in the afternoon to leave work early. Breaks cannot be combined with lunch to extend the employee's scheduled lunch break. If an employee does not take a break, the employee is not entitled to a longer break the next time they take a break, to an extra break in the future, or to extra compensation for missing a break.

**Lunch**

Generally, employees who are required to work at least 7.5 hours per day shall be scheduled for a duty free lunch break of at least 30 minutes. The supervisor has the authority to set longer lunch times provided the additional time off does not interfere with the work schedule. If the lunch break is less than 30 minutes, is interrupted by work, or the employee works through lunch, the employee must be compensated for that time. Employees are prohibited from eating at their work station and from working through their lunch break in order to leave work early unless they have prior approval from their supervisor. Supervisors are prohibited from inviting their employees out to lunch to discuss business or do other work in a group. These so called “Department Lunches” shall be social functions where no work is performed and shall not count toward time worked for the week. Food service employees who work in a kitchen shall be paid for lunch breaks provided they eat in the cafeteria where they are working and the break lasts less than 30 minutes. Custodians who work the 8 hour evening shift shall be paid for lunch breaks provided the break is less than 30 minutes in duration.

**Work Schedule**

Each employee shall receive a statement at the beginning of their work year which outlines the required work days in the year and the required number of work hours in the day along with other pertinent information about their compensation. The actual starting time, the lunch break, and the ending time for the day for each employee is set by their supervisor and may change during the year if the work requires it. However, the supervisor cannot change the number of work days or the number of hours per day without prior approval from the appropriate District personnel. Employees are expected to be at work at the times set by their supervisor. With prior approval from their supervisor, employees may miss some time one day and then make up the time by working beyond their standard schedule another day as long as the days are in the same work week. However, supervisors shall ensure that the employee has productive work to do on the day they work late and this exception shall be granted only occasionally. The District does not offer a true flexible schedule under which employees are free to choose their work hours. Employees are required to secure approval from their supervisor before working beyond their normal daily schedule.

**Work Week**

The work week consists of seven consecutive 24 hour periods which begin at 12:00 AM Sunday morning and end at 12:00 midnight Saturday night. Every work week stands alone in computing an employee’s compensation. Different work weeks shall not be combined or averaged to determine an employee’s compensation for work performed.

**Emergency, Personal Business, and Temporary Illness during the Work Day**

A supervisor may occasionally excuse an employee during the work day to take care of an emergency or impending personal business, or due to a temporary illness. These absences are not considered time worked for the week and employees shall clock out when they leave and clock back in when they report back to work.

**Early Release Days, Extended Lunches, and Shortened Work Schedules**

A supervisor may decide to let the staff leave early on a special occasion or extend their lunch break and any employee who takes advantage of that shall be clocked out for that period of time and it shall not be counted as time worked for the week. The same rule applies to work days that are shortened by the District such as early release ET days, staff development days, long lunches, and shortened summer schedules.

**Overnight Travel**

With the exception of bus drivers, non-exempt employees are generally prohibited from traveling out of town on overnight trips because of complications in accounting for actual time worked. Travel time that keeps an employee away from home overnight is considered work time when it occurs during the employee's regularly scheduled work hours even if it is on a non-work day. Any work which the employee is required to perform while traveling shall be counted as time worked. Duty free meal periods of at least 30 minutes shall not be included as time worked.

**Overnight Travel for Drivers**

An employee who drives a bus, or other vehicle, or an employee who is required to ride along as an assistant or helper, is considered to be working while traveling and time worked shall be calculated from the time the employee arrives at work on the day of departure until they arrive at the hotel and are relieved of duty that day. Time worked for subsequent days begins when the employee has to be at the vehicle to chauffeur students and ends when the employee returns to the hotel or home and is once again relieved of duty. Meal times during these periods of work shall be counted as time worked.

**Field Trips and Out of Town Day Trips**

Employees shall be compensated for all work performed during field trips and out of town day trips beginning when the employee arrives for work that day to travel and ending when the employ returns from the trip in the afternoon and leaves the work place. Unless the employee is completely relieved of duty for a lunch period of at least 30 minutes, the lunch period is also included as time worked.

**Meetings and Training**

Attendance at meetings, lectures, trainings, and similar activities shall be counted as time worked for employees unless the following four criteria are met:

1. Attendance is outside the employee's regular work hours;
2. Attendance is in fact voluntary;
3. The course, lecture or meeting is not directly related to the employee's job; and
4. The employee does not perform any productive work during attendance

Attendance at a college level course for which the employee is granted credit toward a degree or certificate shall never be counted as time worked if the employee voluntarily attends even if the District pays for the attendance.

Unless the employee is completely relieved of duty for a lunch period of at least 30 minutes, the lunch period is also included as time worked.

**Volunteering**

Non-exempt employees are prohibited from volunteering their services to the District. The employee may volunteer their services through a PTO or Booster Club if the volunteer work is not related to the type of work the employee normally performs for the District and is directly related to the employee's role as a member of the PTO or Booster Club.

**Extra Duty Work and Wholly Separate Jobs**

Non-exempt employees shall not serve as a student club sponsors, UIL sponsors, class sponsors, coaches, assistant coaches, or any other extra job for which an exempt employee might receive a stipend. Non-exempt employees may provide services to the district as gate keepers, clock operators, statisticians, chain gang, lines callers, libero trackers, and officials. These jobs are considered wholly separate jobs and shall not be included in time worked unless they are performed during the employee's regular work hours. Payment for these jobs shall be made in a lump sum at the rate established from time to time for the specific job.

**Time Clock Procedures**

Employees are required to accurately report all hours worked for the District on the time clock program by clocking in and out. Employees are responsible for their own time entries and shall never share their password with anyone else and shall never ask another person to clock them in or out. Falsification of time records is grounds for immediate dismissal. Employees shall complete a time clock adjustment sheet and submit to their supervisor for approval if they miss a punch, need to correct a punch, or need to enter time for jury duty or a school related absence. If the supervisor approves the correction, it will then be entered in the time clock along with a note indicating the reason the edit was made. Clocking in and out is a requirement of the job and an employee who habitually misses punches shall be reprimanded by the supervisor in an effort to correct the behavior. Supervisors are responsible for reviewing the accuracy of the time worked by their employees. Time sheets will be printed by the payroll department for archive purposes and there is no requirement for supervisors to print or sign time sheets.