

Harlem School District

PERSONNEL

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Fair Labor Standards Act

Compensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1½) times all hours worked in excess of forty (40) hours in any workweek. The Superintendent must approve any overtime work of a classified employee. Only actual hours worked are eligible for overtime compensation.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee's regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Blended Time

Classified Employees working two or more jobs for the District at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half of that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job at 20 hrs./week at \$12.00/hr. (Same district). The employee would get \$300.00 per week for the 30 hr/week job (\$10.00X30) and \$240.00 per week for the 20 hr./week job (\$12.00X20). A total of \$540.00 (regular remuneration). Divide \$540.00 by 50(total hours worked) = \$10.8/hr (weighted average). One-half that rate (\$10.80/2 = \$5.40)is multiplied by 10 (number of hours over 40). \$54.00 is the amount of overtime compensation due the employee based on the "blended time".

Coaches

Coaching contracts in the District are accepted voluntarily of the employee's own free will. Employees of the District are not required to accept coaching contract as a condition of their regular employment in the District. Coaches may relinquish their coaching contract without an adverse impact on their employment in the District. Coaches are provided a stipend as a nominal fee for volunteering to coach. Coaches accept the stipend because they want to serve the students as a coach. Coaches not otherwise employed by the District accept their positions on a voluntary basis and accept the stipend as a nominal fee because they not an employee for purposes of minimum wage or overtime protections under state and federal law.

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:
 - A. Name in full (same name as used for Social Security);
 - B. Employee's home address, including zip code;
 - C. Date of birth if under the age of nineteen (19);
 - D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
 - E. Time of day and day of week on which the employee's workweek begins;
 - F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
 - G. Any payment made which is not counted as part of the "regular rate";
 - H. Total wages paid each pay period.
 - I. Occupation

2. Additional records required for non-exempt employees:
 - A. Regular hourly rate of pay during any week when overtime is worked;
 - B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
 - C. Hours worked in any workweek (or work period in case of 207[k]);
 - D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
 - E. Total overtime premium pay for a workweek;
 - F. Date of payment and the pay period covered;
 - G. Total deductions from or additions to wages each pay period;
 - H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
 - I. Number of hours of compensatory time earned each pay period;
 - J. Number of hours of compensatory time used each pay period;
 - K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
 - L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

Legal Reference:	29 U.S.C § 201, <i>et seq.</i> ARM, 24.9.805 Title 39, Chapter 3, Part 4 Admin. R. Mont. 24.16.2501—2581	Fair Labor Standards Act Employment Records Minimum Wage and Overtime Compensation Overtime Compensation
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