Purpose: To establish the basic structure for district compliance with the Fair Labor Standards Act (FLSA) provisions regarding minimum wage and overtime.

Richland School District Two The board recognizes that the district is subject to the provisions of the Fair Labor Standards Act. This federal law includes provisions applicable to school districts relating to minimum wage and overtime pay for non-exempt employees. Executive, administrative and professional employees will be considered exempt from overtime pay if they meet the appropriate tests for exemption from coverage under the law.

The district will pay a minimum wage on an hour-by-hour basis to all district employees, either part time or full time, permanent or temporary, which is no less than the federal minimum wage, except under designated training and apprenticeship programs exempt under special U.S. Department of Labor certification.

The board also recognizes that it may occasionally be necessary for non-exempt persons to work more than forty [40] hours during a given workweek. Individuals will be paid time-and-a-half (in money or compensatory time off) for each hour of overtime worked beyond 40 hours in a work week. All accrued compensatory time shall be taken prior to the end of each fiscal year. Any compensatory time not taken by that point will be paid out at a rate of time-and-a-half. No overtime, as defined by the FLSA, will be required or permitted without written authorization from the employee's immediate supervisor prior to the performance of the work. Employees who work past their regularly scheduled hours without approval will be subject to discipline disciplinary action, up to and including termination.

The district requires all employees who are subject to the provisions of the FLSA to complete a daily time record showing actual hours worked. Failure to maintain or falsification of such records may be grounds for disciplinary action.

The administration will maintain records and establish regulations that are consistent with this policy and the requirements of the Fair Labor Standards Act. Falsification of such records by any employee may be grounds for disciplinary action.

Adopted 12/12/95; Revised 11/12/02, ^

Legal references:
A. Federal Law:
B. Federal Cases:
   1. Purdham v. Fairfax Co. Sch. Bd., 637 F.3d 421 (4th Cir. 2011). Non-exempt employees engaging in coaching or other civic or charitable activities for a district may be deemed volunteers, in which case they would not be entitled to overtime pay for such activities.
C. United States Code:
D. Department of Labor Regulations:
   1. 29 C.F.R. Parts 511-800.

E. United States Supreme Court: