

**Cincinnati CITY SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURES**

Procedure Name Fair Labor Standards Act (FLSA)	
Procedure No. 6700-00-01	Eff. Date: 12/21/2009
Implements Board Policy(ies) 6700 Fair Labor Standards Act (FLSA)	Last Reviewed: 11/5/2014

1. Background

Describe relevant background to the implementation of the policy.
The Fair Labor Standards Act (FLSA) requires the Board of Education to pay covered, non-exempt employees no less than the minimum wage required by the Federal Fair Labor Standards Act (FLSA).

2. Responsibilities

Title: Treasurer	
Address: 2651 Burnet Avenue	
Phone:	Cell phone:
<p><i>Describe responsibilities:</i> Rate will be automatically adjusted annually based on the U.S. Consumer Price Index. In addition, covered, non-exempt employees are entitled to premium pay of not less than one and one-half (1 1/2) times the employee's regular rate of pay for all hours the employee works in excess of eight (8) hours in one (1) day or forty (40) hours in a work week. The regular rate of pay includes all remuneration for employment paid to an employee, including base pay, longevity pay, bonuses and shift differentials. Hours worked shall include all time that the employee is required to be on duty or at the prescribed workplace, and all time during which the employee is allowed/permitted to work. This includes any bona fide work that the employee performs on or away from the premises if his/her immediate supervisor knows or has reason to believe the work is being performed. The district recognizes that the FLSA does not permit averaging of hours over two (2) or more work weeks.</p>	

3. Action Steps

Describe the action steps relevant to the implementation of the policy.

For covered, non-exempt employees who are currently paid on an annual salary basis, their salaries must be divided by the hours the employees actually work in a given work week to verify the employees are receiving at least the minimum wage required by the FLSA.

Where a covered, non-exempt employee, in a single work week, works at two (2) or more different types of work for which different straight-time rates have been established, the regular rate for that week is the weighted average of such rates, i.e. the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.

An employee who has accrued compensatory time will be permitted to take the time off within a reasonable period after making the request, provided the time does not unduly disrupt the district's operations. Additionally, even where compensatory time has been agreed upon, the Board of Education may still substitute cash for compensatory time. Finally, if an employee is terminated or resigns, and she/he has accrued compensatory time available, the employee will be paid at the final regular rate received by such employee.

Meal Periods

A bona fide meal period of thirty (30) minutes or more that occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal, unless otherwise specified in an applicable collective bargaining agreement.

Leave Status

Time spent in paid leave status is not considered hours worked, unless otherwise specified in an applicable collective bargaining agreement.

Fair Labor Standards Act (FLSA) Posting

Administrators and supervisors are directed to verify that the official FLSA poster is displayed in all work locations (i.e., in locations where covered, non-exempt employees can view it on a regular basis).

Recordkeeping Requirements

It shall be the responsibility of all covered, non-exempt employees to record and submit an accurate account of their time worked each week on approved forms or via electronic or machine timecards. An employee's misrepresentation or failure to submit an accurate account of his/her time worked may subject the employee to discipline up to and including termination.

Non-exempt employee time records shall be verified by a supervisor who has personal knowledge of the hours worked by the employee. It shall be a violation of this guideline for a supervisor to ask a non-exempt employee to record fewer hours than were actually worked by the employee.

The district will maintain the following records for all covered, non-exempt employees:

- employee's full name, Social Security number, home address (including zip code), occupation, sex, date of birth (if under nineteen (19) years of age)
- time and day of week when employee's work week begins
- total hours worked each work day and each work week
- basis on which employee's wages are paid (e.g., "\$8.00 an hour," "\$320.00 a week")
- regular hourly pay rate
- total daily and weekly straight time earnings
- total overtime earnings for the work week
- all additions to and/or deductions from the employee's wages
- total wages paid each pay period
- date of payment and the pay period covered by the payment

Volunteers

The FLSA requires that non-exempt employees must be compensated for all hours they are required or permitted to work. Consequently, even if an employee "volunteers" to work beyond his/her normally scheduled hours, the Board will still compensate the employee for those hours worked. An individual is considered to be a "volunteer" only if the following conditions are met:

- A. Services are performed for which no compensation is received beyond expenses or a nominal fee.
- B. Services rendered are not the same type of services that the individual is employed to perform for the Board.

4. Equity Considerations

Describe any equity considerations relevant to the implementation of this policy.

5. Related Documents / Forms

Document Title	Description	Last Reviewed
1.		
2.		
3.		

6. Additional Information

Describe any additional information relevant to the implementation of the policy.
Department of Labor's website (***www.dol.gov***)