

1 **5336 PERSONNEL**

2 Fair Labor Standards Act

3 Compensatory Time and Overtime for Non-Exempt Employees

4 Non-exempt employees who work more than forty (40) hours in a given workweek may receive overtime
5 pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee agree to
6 the provision of compensation time at a rate of one and one-half (1½) times all hours worked in excess of
7 forty (40) hours in any workweek. The Superintendent or designee must approve any overtime work of a
8 non-exempt employee.

9 Under Montana law and the Federal Fair Labor Standards Act, a non-exempt employee may not volunteer
10 to work without pay in an assignment similar to the employee’s regular work.

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

12 Blended Time

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

18 Record-Keeping Requirements Under the Fair Labor Standards Act

19 1. Records required for ALL employees:

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

29 2. Additional records required for non-exempt employees:

- 30 A. Regular hourly rate of pay during any week when overtime is worked;
- 31 B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
- 32 C. Hours worked in any workweek (or work period in case of 207[k]);
- 33 D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty
34 (40) per week but excluding premium pay for overtime);
- 35 E. Total overtime premium pay for a workweek;
- 36 F. Date of payment and the pay period covered;
- 37 G. Total deductions from or additions to wages each pay period;
- 38 H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on
39 an individual basis for each employee;
- 40 I. Number of hours of compensatory time earned each pay period;
- 41 J. Number of hours of compensatory time used each pay period;

1 K. Number of hours of compensatory time compensated in cash, the total amount paid, and
2 the dates of such payments;

3 L. The collective bargaining agreements which discuss compensatory time, or written
4 understandings with individual non-union employees.

5 Legal Reference:

6 29 U.S.C § 201, et seq. Fair Labor Standards Act

7 ARM, 24.9.805 Employment Records

8 Title 39, Chapter 3, Part 4 Minimum Wage and Overtime Compensation

9 ARM 24.16.2501—2581 Overtime Compensation

10 Policy History:

11 Adopted on: April 23, 2018

12 Revised on: May 29, 2018