



Administrative Directive 5.50.032-AD

Non-Represented Employee Overtime

BACKGROUND AND PURPOSE: The U.S. Department of Labor, within the provisions of the Fair Labor Standards Act, defines the parameters and criteria for employee compensation and overtime compensation. The purpose of this administrative directive is to define overtime compensation for non-exempt employees of the Portland Public Schools.

ELIGIBILITY:

(1) (a) Positions not covered under a collective bargaining agreement and identified by the District as Non-Exempt from overtime compensation, as defined under the Fair Labor Standards Act and (b) positions covered under a collective bargaining agreement and identified by the District as Non-Exempt from overtime compensation, as defined under the Fair Labor Standards Act, where provisions of the CBA are silent.

(2) (a) A non-exempt employee works in excess of 40 hours per week within a defined workweek.

DEFINITIONS:

Paid Overtime Compensation: Salary calculated at 1Y, times the hourly rate for each hour worked in excess of 40 hours per defined work week.

Compensatory Time Off: Time off in lieu of overtime compensation for time worked in excess of 40 hours per defined workweek. Overtime Compensatory Time Off is calculated at 1Y, times the hourly rate for each hour worked in excess of 40 hours per defined workweek.

Flexible ("Flex") Time: A variable hours' schedule in lieu of overtime liability. Work hours are adjusted as needed and scheduled with a minimum of 24 hours advance notice (or less upon mutual agreement) to maintain a maximum of 40 hours of work within a defined workweek. "Flex" time is calculated on an hour-for-hour basis.

Authorized Overtime: Work in excess of 40 hours per defined workweek that is pre-approved in writing and/or by District form, by an employee's direct supervisor who has budgetary authority to grant approval.

Unauthorized Overtime: Work in excess of 40 hours per defined workweek that is not pre-approved in writing and/or by District form, and/or by an employee's direct supervisor who does not have budgetary authority to grant approval. Unauthorized



Administrative Directive 5.50.032-AD

Non-Represented Employee Overtime

overtime shall be compensated at the 1Y,time hourly rate and employees shall be subject to disciplinary action for working unauthorized overtime.

Defined workweek: Unless otherwise identified in a collective bargaining agreement, a defined work week begins at 12:00 a.m. Saturday and ends at 11:59 p.m. Friday.

Compressed Workweek: A schedule that may consist of a 4/10, 9/80, or similar workweek that is pre-approved in writing by an employee's direct supervisor. Compressed workweek schedules provide for extended days, averaging out to 40 hours per defined single workweek or 80 hours within a multiple week period. Compressed workweek schedules are initiated on a trial basis and may be discontinued at any time at the request of either the employee or supervisor. The department reserves the right to suspend the arrangement in the event of unanticipated circumstances regarding employee performance or operational needs.

Core work hours: Hours when all employees must be at their designated work site. Core work hours will vary from department to department, based on the requirements of the position and operational needs of the department and/or District.

Pay Period: Unless otherwise identified in a collective bargaining agreement, a defined pay period shall begin at 12:00 a.m. on the 16th day of each month and end at 11:59 p.m. on the 15th day of each month.

On-Call Time: Waiting time may constitute compensable hours worked by an employee. For example, hours spent by employees "on-call" will be compensable work time unless the employee is totally relieved of all duties during this period and the employee is free to use the time for his/her own purposes. While "on-call", an employee must respond to all calls and/or return to work at any time throughout the on-call period.

Off-hours/remote site work: Logging on to District servers for the purpose of conducting work, including checking of and responding to e-mails, texts, telephone calls and/or similar activities performed beyond the assigned 40 hour workweek is compensable time worked . This work is subject to FLSA overtime provisions for non-exempt employees and must be pre-authorized and compensated in accordance with the standards set forth in this directive.

IMPLEMENTATION STANDARDS: Unless otherwise identified in a collective bargaining agreement, it shall be at the discretion of management to determine



Administrative Directive 5.50.032-AD

Non-Represented Employee Overtime

employee work schedules and if, when and how to authorize Overtime Compensation, Compensatory Time Off in lieu of compensation, Compressed Workweek, or Flexible Time schedules to maintain a 40 hour workweek. On an annual basis, management shall submit to the Human Resources Department, their departments' implementation plans, processes and procedures for Overtime Practices compliance review. Each department management shall keep and manage detailed overtime, compensatory time, compressed workweek and flexible time records for all non-exempt employees for a period of no less than three (3) years. Employees shall be compensated for paid overtime within the pay period in which it was worked. Employees provided compensatory time off in lieu of compensation shall take the compensatory time off during the pay period in which it was authorized; unused compensatory time off will be paid as overtime compensation in the next pay period.

Legal References: U.S. DOL; ORS 653.268
Approved 8/2016