

STAFF TIME SCHEDULES

Work Schedules

The workday for full-time licensed and professional staff is a minimum of seven hours and thirty minutes and continues until professional responsibilities to the students and school division are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities may require hours beyond the stated minimum. Elementary school classroom teachers are provided at least an average of thirty minutes per day during the students' school week as planning time. Each full-time middle and secondary classroom teacher is provided one planning period per day, or the equivalent, as defined by the Board of Education, unencumbered of any teaching or supervisory duties. If a middle or secondary school classroom teacher teaches more than the standard load of students or class periods per week, as defined by the Board of Education, an appropriate contractual arrangement and compensation is provided.

Work schedules for other employees are defined by the superintendent or superintendent's designee consistent with the Fair Labor Standards Act and the provisions of this policy.

Workweek Defined

For purposes of compliance with the Fair Labor Standards Act, the workweek for employees of Tazewell County School Board is 12:00 a.m. Saturday until 11:59 p.m. Friday.

Overtime and Compensatory Time

Working hours for all employees not classified as exempt under the Fair Labor Standards Act, including secretaries, bus drivers, cafeteria, janitorial and maintenance personnel, conform to federal and state regulations. The superintendent ensures that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors make every effort to avoid circumstances which require non-exempt employees to work more than 40 hours each week. The Tazewell County School Board discourages overtime work by non-exempt employees. A non-exempt employee will not work overtime without the express approval of the employee's supervisor. All overtime work must be expressly approved in writing by the superintendent or superintendent's designee. All supervisory personnel must monitor overtime on a weekly basis and report such time to the superintendent or superintendent's designee. Principals and supervisors monitor employees' work, ensure that overtime provisions of this policy and the Fair Labor Standards Act are followed and ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete time sheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer reviews work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked, if such compensatory time

- (1) is pursuant to an agreement between the employer and employee reached before overtime work is performed, and
- (2) is authorized by the immediate supervisor.

Employees will be allowed to use compensatory time within a reasonable period after requesting such use if the requested use of the compensatory time does not unduly disrupt the operation of the school division. Employees may accrue a maximum of 240 compensatory time hours before they will be provided overtime pay at the rate earned by the employee at the time the employee receives such payment. In addition, upon leaving the school division, an employee will be paid for any unused compensatory time at the rate of not less than the higher of

- (1) the average regular rate received by the employee during the employee's last three years of employment, or
- (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours are paid at the regular rate of pay for time worked up to 40 hours. Such employees are provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees are provided with a copy of this policy and are required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy constitutes the written agreement required in this section.

Attendance Expectations

All employees are expected to be present during all work hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Adopted: April 8, 2019

Legal Refs.: 29 U.S.C. § 201 et seq.

29 C.F.R § 516.1 et seq.

Code of Virginia, 1950, as amended, §§ 22.1-253.13:2, 22.1-253.13:3, 22.1-291.1, 40.1-28.8 et seq.

8 VAC 20-131-240.

Cross Ref.: IC/ID School Year/School Day

PERSONNEL

Classified Personnel: Overtime

A. Definitions

1. Eligible Employees

Employees on the classified wage or salary schedule may receive overtime pay. Classified employees on the administrative salary schedule will not receive overtime pay.

2. Work Period

The work period for determining overtime compensation for eligible employees shall be a regular work week commencing Friday, 12 midnight and continuing for 168 consecutive hours (7 consecutive 24-hour periods) until 11 :59 p.m. on the following Friday.

3. Compensatory Time Off

The granting of compensatory time off in lieu of paying proper overtime compensation for overtime hours worked is permissible only if the time is given off in that same pay period (Prior to Friday, 11 :59 p.m.). Otherwise, the granting of compensatory time off in lieu of paying proper overtime compensation for overtime hours worked is prohibited.

4. Overtime Pay

Eligible classified employees shall be compensated with pay at time and one half (1 ½) of the regular hourly rate of pay for all overtime hours worked.

B. Administration

1. The authorization and control of all overtime work is the direct responsibility of the administrative staff. Overtime assignments are permitted only when required by operational necessity and without which the normal operation of the department, school or division cannot continue. Employees who are allowed to voluntarily continue to work after forty hours are engaged in compensable working time. Administrators must insure that employees do not perform unauthorized overtime work.

Employees shall not voluntarily work additional hours without prior approval of their supervisor. Failure to obtain such prior approval of additional work may result in disciplinary action.

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PERSONNEL

Classified Personnel: Overtime (continued)

2. Overtime compensation may not be waived by any agreement between the employee and the administrative staff.
3. An employee shall devote his or her primary attention to the requirements of the full time job. Employees shall only be employed in one school board position with one exception: if the employee's work hours are less than forty in a seven-day period, that employee will be permitted to work at a part-time job for any additional hours until the total of both jobs reach forty hours. The acceptance of a second job with the school system is prohibited if the maximum is more than forty hours of both jobs inclusive.
4. Straight time will be paid for any number of hours an employee works over the regularly scheduled hours up to the fortieth hour.
5. The volunteering of services by the employee as a "nonpaid" volunteer to perform the same type of work that is performed as a "paid" employee shall be prohibited. The determination of whether the two types of work are the same shall be made by the superintendent or a designee. It shall be the employee's responsibility to notify his/her supervisor prior to volunteering his/her services for any school board activity.
6. Overtime work amounting to less than one quarter hour on a regular work day shall not be compensated. Overtime work amounting to sixteen minutes or more shall be recorded to the nearest half hour.
7. Overtime hours for determining overtime compensation is defined as those hours actually worked (excluding lunch hour) for which the regular hourly rate of compensation is received which exceeds forty hours during the seven-day work week.

In determining the eligibility for overtime compensation hours not actually worked will be excluded. Examples of exclusions from the computation of overtime are: annual leave, sick leave, jury/witness leave, holiday leave, and suspension.

8. The trading of work-shift periods or scheduled work hours among employees shall be prohibited.

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Legal Reference:

Fair Labor Standards Act (1938 as amended)

Garcia v. San Antonio Metropolitan Transit Authority. U.S. Supreme Court, 19, 1985 -
(Effective date April 15, 1985).

Adopted by School Board: November 11, 1985

Amended by School Board: July 15, 2002

Amended by School Board: March 8, 2004

Hours of Employment Work Day

A. Teachers

All teachers will be on duty in their schools ten (10) minutes prior to the beginning of the school day and depart ten (10) minutes after students have been dismissed. Exceptions to the latter shall include extended time for faculty and other professional meetings scheduled by the building principal. Head varsity coaches are excused from in-service sessions while their sport is in season, but must be responsible for making up sessions at a time determined by the principal.

B. Classified Personnel

Work hours for classified employees are to be established by their respective administrators.

Approved by Superintendent: June 9, 1986
Amended by School Board: July 10, 2000