

(Classified)

## Overtime

### 1. Non-Exempt Employees

- a. Except as provided below, employees in positions designated as “non-exempt” will be eligible for overtime compensation as follows:
  - Employees whose normal work schedule is eight hours a day will receive overtime compensation for hours worked in excess of eight hours in a day.
  - Employees whose normal work schedule is between eight and ten hours in a day will receive overtime compensation for hours worked in excess of their normal daily work schedule.
  - Employees who request and are approved for variable workday as provided in NRS 281.100, 3b(2) will receive overtime compensation for hours worked in excess of 40 hours in the workweek.
  - Employees whose hours are established by collective bargaining agreement will receive overtime accordingly.

- b. All overtime hours must be specifically authorized in advance by the employee’s administrator or supervisor. Overtime will be compensated at one and one-half times the employee’s regular rate of pay. An employee’s regular rate includes all payments made by the District to the employee. Examples of payments to be included are on-call pay, shift differential, hazard duty pay, and longevity pay.

Employees who earn overtime may, with the approval of their administrator or supervisor, elect to receive flex time off in lieu of overtime pay. Requests for flex time off in lieu of overtime must be made in writing and, once approved, will be placed in the employee’s payroll file. Flex time will be earned at the rate of one and one-half hours off for each overtime hour worked. When an employee has exceeded the maximum number of hours specified, the excess hours will be paid out as overtime. Flex time off is to be taken at the earliest time which is mutually agreeable to the employee and administrator or supervisor. At any time, the District may pay an employee for flex time earned and not used. The District reserves the right to pay out any and all flex time earned at its discretion.

- c. Time paid but not worked, such as sick leave, holidays, and annual leave, does not count toward hours worked for the purpose of computing overtime hours.

### 2. Exempt Employees

Generally, exempt employees are hired with the understanding that they are responsible for accomplishing the duties required for their assigned position. It is the District’s policy to comply with all aspects of the Fair Labor Standards Act (FLSA) including its salary basis requirements. Therefore, making any deductions from the salaries of exempt employees which are not allowed by law is prohibited.

Consistent with the FLSA and NRS, employees in exempt positions are not required to be paid for overtime.

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Exempt employees utilizing intermittent leave under the Family Medical Leave Act (FMLA) may have their pay deducted, including from sick or annual leave balances, for partial day or hour-by-hour absences.

- a. Subject to certain exceptions set forth in the FLSA regulations and FMLA as provided above, if a District does not have a bona fide vacation and sick leave policy, an exempt employee must be paid the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees will not be paid for any workweek in which they perform no work, unless the employee is on approved paid leave. FLSA provides that deductions may be made when the employee absents him/herself from work for a day or more for personal reasons, other than sickness or accident.
- b. Districts that have a bona fide vacation and sick leave policy may deduct a partial days' absence from an employee's accrued leave, but not from the employee's pay or salary. Accordingly, if the employee does not have accrued leave and still works part of a day, the employee must be paid their full salary. However, if an employee does not have accrued leave and is absent for a full day then the District can deduct from the employee's pay or salary for that full day.
- c. Deductions will be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. The District will prorate an employee's salary based upon the days worked during the initial and terminal pay period of employment.
  - 1) Any employee who believes that an improper deduction has been made to his/her salary should immediately report this information to his/her direct administrator or supervisor.
  - 2) Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, s/he will be promptly reimbursed for any improper deduction made.
- d. Exempt employees are generally expected to be available to perform their job duties during normal school hours, Monday through Thursday. It is expected that, in order for exempt employees to complete their assigned work, from time to time it will be necessary that they work beyond the normal work days and business hours of the District. If, however, an exempt employee is working well beyond a 40-hour workweek on a regularly recurring basis, the District may examine staffing levels and the employee's work habits and procedures.
- e. The District may choose to recognize an exempt employee for hours worked beyond normal business hours.
  - 1) (*Option*) In recognition of instances when an employee has completed an extraordinary work assignment and spent substantially more than a typical workweek to accomplish the job, administrators or supervisors may allow an exempt employee to take limited periods of time off without using accrued paid leave.

**Code: GCC3**  
**Adopted: August 20, 2014**

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- 2) (*Option*) The limited periods of time off do not constitute additional compensation to exempt employees on an hour-for-hour basis for hours worked in excess of 40 hours per week. Accordingly, exempt employees will not “accrue a balance” of flex leave hours.
- 3) (*Option*) An exempt employee may be paid and not void their otherwise exempt status as specifically provided under the FLSA.

NO ADMINISTRATIVE REGULATION

Reference: NRS 281.100