

Policy Code: 7500 Workday and Overtime

A. Work Schedules

The length of the school day for licensed and professional staff will be a minimum of seven hours and thirty minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the stated minimum. The length of the workweek for all other full-time employees will be 40 hours unless otherwise determined by the superintendent or designee. Work schedules for such employees will be consistent with the Fair Labor Standards Act and the provisions of this policy.

B. Workweek Defined

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including support associates, teacher assistants, child nutrition staff, custodians, and maintenance personnel, will conform to federal and state regulations. The assistant superintendent of human resources shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent or designee will be available to employees in the human resources office.

C. Overtime and Compensatory Time

The board of education discourages overtime work by non-exempt employees. A non-exempt employee may not work overtime without the express approval of his or her supervisor. Approval should be given only if overtime funding is budgeted or the employee agrees to receive compensatory time. Principals and supervisors shall monitor employees' work, shall ensure that overtime provisions of this policy and the FLSA are followed, and shall 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 timesheets of actual hours worked during the workweek must be documented by each employee and approved by his or her supervisor. The finance department will issue timesheet procedures and will review employee timesheets on a rotating schedule to ensure leave and time reported matches the timesheets and 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 hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use, but no longer than thirty days or the last day of the fiscal year. Employees may accrue a maximum of 240 compensatory time hours before they must be provided overtime pay at the appropriate rate. In addition, upon leaving the school system, an employee must 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 his or her 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 will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees will be provided a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the agreement required in this section.

D. Attendance Expectations

All employees are expected to be present during all working 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.

Unreported absences of seven (7) consecutive workdays by classified employees will be considered a voluntary resignation of employment.

E. Employee Volunteers

Employees may volunteer to work at school events, provided the work is clearly at the employee's option, is in a different capacity from the employee's regularly assigned duties, and is performed on an occasional or sporadic basis. Employees may not volunteer to provide the same type of service they are employed to perform for the school system. Classified employees may volunteer to provide coaching services and be paid a nominal stipend based on the coaching supplement schedule if they are coaching in a designated paid position.

F. Employees Performing Disaster Work

All non-exempt employees who are required to work at a shelter site or to restore operations of the school system in the event of a declared disaster are to be compensated at a rate equal to 1.5 times their hourly rate for every hour worked in the shelter site or in the immediate cleanup period. Exempt employees assigned by the superintendent or designee to work a minimum of four hours per day during the disaster or in the immediate cleanup period will receive a daily stipend of \$100. Additionally, administrators will be paid their regular hourly rate of pay for shelter hours worked beyond the regular workday. The immediate cleanup period is to be established by the superintendent or designee based upon the existing disaster conditions.

Legal References: The Fair Labor Standards Act of 1938, as amended, [29 U.S.C. 201](#), *et seq.*; [G.S. 115C-47\(18\)](#), [-288](#), [-307](#); *North Carolina Public School Personnel Employee Salary and Benefits Manual* (most current version), North Carolina Department of Public Instruction, Division of School Business, available at <https://www.dpi.nc.gov/districts-schools/district-operations/financial-and-business-services/compensation-public-school-employees>

Cross References: Leave (policy 7510)

Adopted: April 5, 2022

Revised: Insert Date

New Hanover County Public Schools

Commented [JH1]: Cut and paste from page 54 of the 2023-2024 Personnel Handbook. The website notes the Handbook is "currently updating 8/4/2023." I checked with Stephanie. She said the Handbook is published, but is awaiting proposed edits from certain agencies. I did not find anything in the statute.

Deleted: Employees who have five (5) consecutive unexcused absences have abandoned their employment. NHCS will view an employee who has five (5) consecutive unexcused absences as a voluntary resignation.

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