Fair Labor Standards Act

Classification of Positions

The Director of Human Resources or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

Exempt

St. Mary's Charter School ("School") shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and the School shall not make deductions that are prohibited under the FLSA or state law.

An employee who believes deductions have been made from his or her salary in error of this policy should bring the matter to the attention of school's Business Manager... If improper deductions are confirmed, the School reimburse the employee and take steps to ensure proper handling of future transactions.

The Superintendent or designee may assign supplemental duties to personnel exempt under the FLSA, as needed. The employee may be compensated for these assignments according to the School's compensation plans.

Nonexempt

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline but shall be compensated in accordance with the FLSA.

Minimum Wage and Overtime

Unless an exemption applies, the School shall pay each of its employees not less than minimum wage for all hours worked and for exempt employees, in accordance with the minimum salary basis requirements (except for instructional employees as defined in the FLSA). 29 U.S.C. 206(a)(1).

Unless an exemption applies, the School shall pay a non-exempt employee not less than one and one-half times the employee's regular rate of pay for all actual hours worked in excess of forty in any workweek. 29 U.S.C. 207(a)(1); 29 CFR pt. 778.

Workweek Defined
For purposes of FLSA compliance, the workweek for School employees shall be 12:00 a.m. Sunday until 11:59 p.m. Saturday.

Wage and Hour Records
The School shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the Fair Labor Standards Act. 29 CFR 516.2(a). Records shall also be kept in accordance with applicable State record retention schedules.

Compliance with Federal and State Wage and Hour Laws
The School shall take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays and in accordance with Federal and State Wage and Hour Laws including the Fair Labor Standards Act (FLSA) and the Texas Payday Act. The Director of Human Resources shall adopt procedures to ensure that the School complies with applicable Federal and State Wage and Hour Laws.