

STAFF TIME SCHEDULES

Work Schedules

The workday for full-time licensed and professional staff is a minimum of seven hours and thirty minutes¹ and continues until professional responsibilities to the students and Essex County Public Schools 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 Essex County School Board is 12:00 a.m. Saturday until 11:59 p.m. Friday.²

Overtime and Compensatory Time³

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

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¹ If the length of the usual workday is different, the correct length should be substituted.

² The board is legally required to identify the workweek, but may designate another 7-day period as the school division's workweek.

³ Administrative procedures or regulations may provide more information on circumstances in which non-exempt employees will be permitted to work overtime.

Essex 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 writing⁴ by the superintendent or superintendent's designee.⁵ 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.⁶ 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.⁷ 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

- is pursuant to an agreement between the employer and employee reached before overtime work is performed, and
- 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 Essex County Public Schools Division. Employees may accrue a maximum of 240⁸ 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 Essex County Public Schools Division, an employee will be paid for any unused compensatory time at the rate of not less than the higher of

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

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⁴ Written approval is not required by the Fair Labor Standards Act but is recommended. If an individual school board elects not to require written approval, it should specify how and when oral approval may be granted.

⁵ This sentence is not required by the Fair Labor Standards Act but is recommended.

⁶ Employees must be compensated for all time worked, even if it is unauthorized overtime. However, employees who intentionally work unauthorized overtime may be subject to disciplinary action. Supervisors who fail to prevent employees from working unauthorized overtime may also be subject to discipline.

⁷ Each division should designate the person to whom the time sheets should be given.

⁸ The Fair Labor Standards Act permits employees to accrue a maximum of 240 hours of compensatory time. Individual boards may elect to permit employees to accrue a lesser number of compensatory hours.

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.⁹

Adopted: May 13, 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

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⁹ Administrative procedures or regulations may further clarify expectations on absences.