



Guide to Fair Labor Standards Act

And PISD Regulations



What does it Regulate?

- Minimum Wage Requirements
- Employee Status
- Overtime Requirements
- Child Labor Provisions
- Recordkeeping





Who is Covered?

- Easiest is to go by salary schedule
- PR: Paraprofessional Schedule
- NE: Non-Exempt Schedule



Overtime Requirements

- Work over 40 hours for the week
 - Overtime must be pay or comp time at hourly rate times 1.5
 - The week is Monday through Sunday
 - Every workweek stands alone
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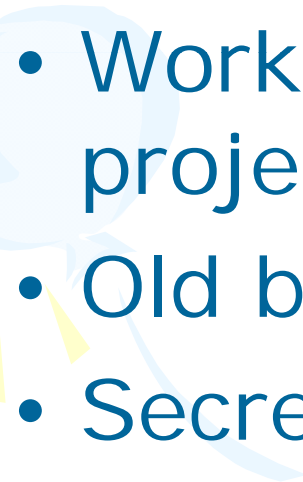



Typical ISD Compliance Issues

- Inappropriate or NO records of time worked
- Confusion about meal periods or breaks
- I have the best staff and no one will ever file suit against me



Typical Problem

- Long-time secretary devoted to boss and/or job
 - Works “off the books” on special projects or to catch up on work
 - Old boss retires
 - Secretary conflicts with new boss
 - Employee resigns and presents a bill for years of unpaid overtime
 - District is guilty
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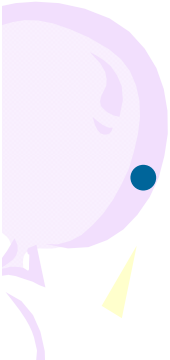
A decorative graphic on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Each balloon is attached to a streamer and has several small yellow triangular shapes around it, resembling confetti or streamer ends.

The Price of Ignorance

- Burden of “proof” of innocence falls on employer
- Employees can recover up to double the amount of unpaid overtime for the past two or three years
- Employees may be awarded damages and attorneys’ fees as well



FLSA Litigation Against Texas School Districts

- Austin ISD, Beaumont ISD, Conroe ISD, Dallas County Schools,
 - Dallas ISD, Garland ISD, Houston ISD, New Waverly ISD, North East ISD, Silsbee ISD
 - All guilty
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Can Leave Time Count as Time Worked?

- Not for the purpose of calculating overtime.
- Paid leave days are included in the calculation of PISD service days.



Recordkeeping Requirements

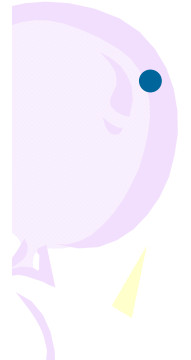
Time Record must show:

- 
- Sign in when you report to work and sign out when you leave each day
 - If a secretary leaves the building for lunch, that person must sign out for lunch and sign in upon returning to work
 - Supervisor must sign time record
- 





What about lunch?

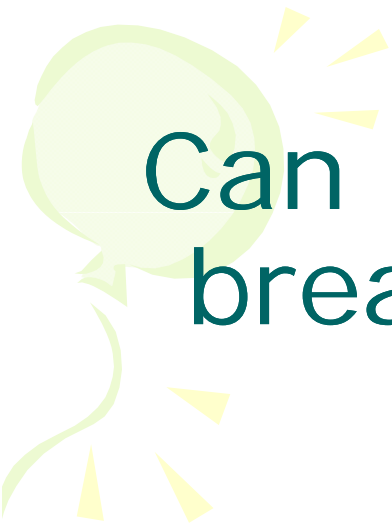
- Office/clerical personnel assigned to school campuses will work an eight-hour day with 30 minutes designated as "on-duty" lunch. No need to sign in or out for lunch, unless employee leaves the campus.

- 
- All other non-exempt salaried employees will work an eight-hour day excluding time for lunch.



Meal Periods and Breaks

- The FLSA does not require meal or rest periods, holidays, or vacations.
 - Breaks are compensable time
 - Employees may be granted a break period but at the convenience of the work
 - Breaks should not exceed 15 minutes at any one time, be limited to two per day, and should be near the middle of the first and/or second half of the workday
- 
- 



Can my secretary skip her two breaks and leave 30 minutes early?

- 
- Breaks are paid time. Thus, if she leaves 30 minutes early, then she only worked 7.5 hours that day.





Can my secretary come in early and volunteer the time?

- Work performed by an employee that is within the normal duties of the employee, whether authorized or not, is compensable time under the FLSA.
- If a food service worker takes tickets at a school dance, it is not compensable time since it is different job.



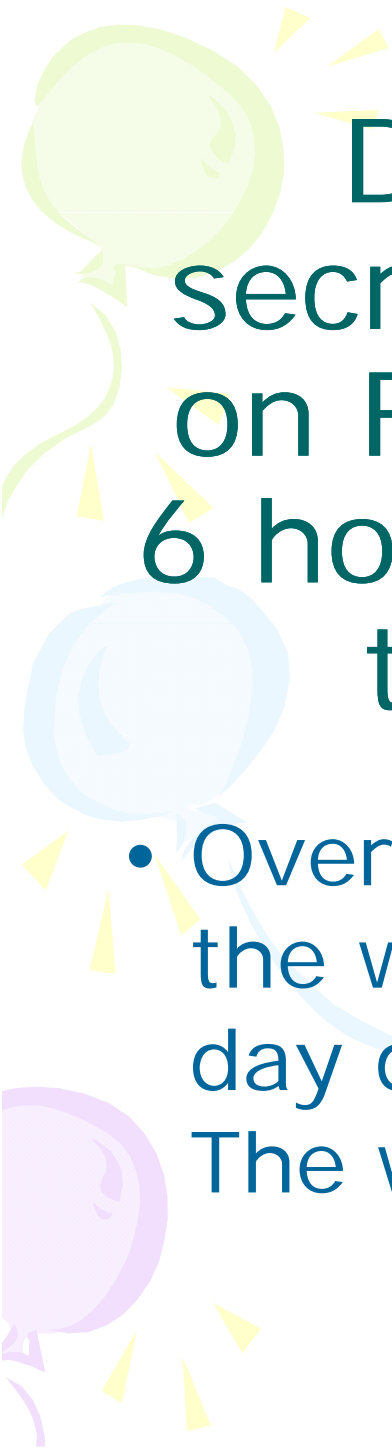
Can my secretary take work home to catch up?

- If you allow this, she is on the clock for the time she works at home. Her PISD time record must reflect her correct time worked.

A decorative background on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Each balloon is attached to a streamer with several small yellow triangular flags.

Can my secretary come in to work a day prior to her duty schedule to get a trade day?

- Yes, follow procedures on web site or
- She must be paid for her work time
- Comp time or overtime is earned for time for the week over 40 hours
- Working less than a scheduled 40 hour week will result in a dock unless paid leave is used



During the week, my secretary worked 10 hours on Friday to make up for a 6 hour day on Thursday. Is there overtime due?


- Overtime is based on 40 hours for the week and time worked on any day during the week is not relevant. The week is looked at as a whole.



Is overtime due?

- The next PISD pay period ends on Thursday, February 15.

Mon	Tues	Wed	Thurs	Fri	Sat	Sun
12	13	14	15	16	17	18
10 Hours	8 Hours	8 Hours	8 Hours			

- It depends if the employee works more than 6 hours the rest of the week.
 - The time record should always have the entire week completed. Then, overtime earned will be paid. Leave after the 15th will be posted next payroll.
- 



Compensatory Time

- Earning and/or using Comp Time must be recorded on the weekly time record
- The maximum of 60 hours of compensatory time can be accrued. The 60 hours of accrued compensatory time is equal to 40 hours of actual overtime worked.

A decorative graphic on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Each balloon has a string and is surrounded by several small yellow triangular shapes that resemble sun rays or confetti.

Compensatory Time

- Compensatory time shall be used within the duty year in which it is earned.
- Supervisors are responsible for ensuring compliance with mandated provisions of the Fair Labor Standards Act and ensure an employee is compensated for overtime hours.

A decorative graphic on the left side of the slide features three balloons: a light green one at the top, a light blue one in the middle, and a light purple one at the bottom. Each balloon has several small yellow triangular shapes radiating from it, suggesting light or movement. The balloons are connected by thin, curved lines.


Compensatory Time

- Use of compensatory time may be at the employee's request or as determined by the employee's supervisor to protect the district's schedules and activities.
- If a non-exempt employee achieves the maximum accrual, resigns, retires, or is discharged at a time when he or she has a balance of unused compensatory time off, the employee will be paid for the unused compensatory.

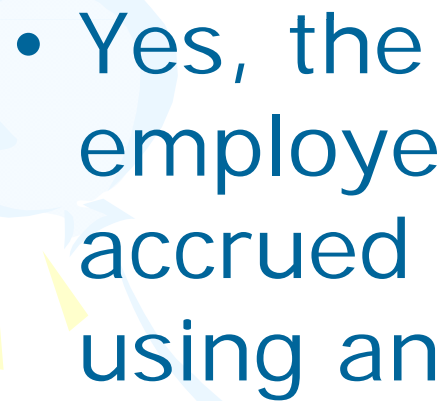


Comp Time or Overtime

- Prior to working over 40 hours for the week, there must be an understanding or agreement in place to determine whether the time earned is comp time or overtime pay.
- A supervisor may offer compensatory time off in lieu of overtime pay. However, the employee has the right to accept or decline compensatory time and receive pay at time and one half.



Can you require your secretary to use comp time before using paid leave?

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- Yes, the District can require employees to exhaust all their accrued compensatory time before using any paid leave, local or state.



Required PISD Non-Exempt Time Record

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Download Forms

If you want to save an Excel file to use in the future, click on **SAVE** instead of **OPEN** after clicking on the names below. Or, you can right click on the link below and then left click on "Save Target As...". It will prompt you for a file name and location to save the file. Then click

Accounting
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[Bank Reconciliation Form \(Excel\) \\$4,000](#)
[Bank Reconciliation Form \(Excel\) \\$5,000](#)
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[Remittance - Susan Komen T-Shirt Sales](#)
[Deposit Summary](#)
[Outstanding Petty Cash Check Log](#)
[Unclaimed Property Form](#)
[Vendor Notification Letter](#)

[Teacher Summary of Collection Log](#)
[Fund Raiser Permission Form](#)
[Request for Facilities Upgrade](#)

[Budget Amendment Lawson General Ledger \(Excel\)](#)
[Budget Amendment - Lawson Activities \(Excel\)](#)

[Journal Entry - Expenditure Transfer \(Excel\)](#)
[Journal Entry Request Form](#)
[Form to add Lawson Vendor](#)

[Sole Source Purchasing Affidavit](#)

Travel
[Mileage Log \(Excel\) Updated for 7-1-11](#)
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[Mileage Calculations - Google Maps](#)
[Approval Form for Lodging Overage](#)
[Travel Reimbursement Form Effective 7-1-11 **NEW!**](#)
[Travel Reimbursement Form-Federal Funds Effective 7-1-11 **NEW!**](#)
[Travel Reimbursement Form 1-1-11 to 6-30-11](#)
[Travel Reimbursement Form-Federal Funds 1-1-11 to 6-30-11](#)
[Travel Reimbursement Form 1-1-10](#)
[Travel Reimbursement Form-Federal Funds 7-28-10](#)
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[Statement of Automobile Liability Coverage-Spanish](#)
[Out of State Travel Request](#)
[Private Vehicle Consent Form-Adult Student](#)
[Private Vehicle Consent Form-Parent or Legal Guardian](#)

Payroll & Consultant Pay
[IRS Form W-4 Employee's Withholding Certificate](#)
[IRS Form W-5 Earned Income Credit](#)
[Payroll Advance Authorization Form](#)
[Payroll Compensatory Time Sheet \(Excel\)](#)
[Sample Consultant Contract and W-9](#)
[Request for Taxpayer ID# - Blank Form W-9](#)
[Pasadena ISD - Completed W-9](#)
[Workers Comp Acknowledgement Form](#)
[Workers Comp Accident Report](#)
[Direct Deposit Form](#)
[Employee vs. Contractor Checklist](#)
[Payroll Excuse Form](#)
[Houston Chronicle Sign Up Form](#)
[Felony Conviction Notice Form](#)

Time Cards
[Non-Exempt Employee Time Card](#)
[Non-Exempt Employee Time Card Effective 8-1-2011 - **New**](#)
[Tech Services / Police Time Card](#)
[Tech Services / Police Time Card Effective 8-1-11 - **New**](#)
[Exempt Employee Time Card](#)
[Temporary/Sub Non-Exempt Employee Time Card](#)
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[Call Out Pay Time Card](#)
[Manual Time Card-English](#)
[Manual Time Card-Spanish](#)
[Teacher Extra Duty Pay Time Card](#)

Tax Exemption
[Hotel Occupancy Exemption Form \(PDF\)](#)
[Internal Revenue Service Exempt Letter \(PDF\)](#)
[Internal Revenue Service Exempt Letter for Target](#)
[Sales Tax Exemption Form \(PDF\)](#)
[Vehicle Rental Exemption Certificate](#)
[Donation Receipt Form](#)

Send mail to <mailto:financewebmaster@pasadenaisd.org> with questions or comments about this web site.

**Pasadena Independent School District
Non-Exempt Employee Time Card**

Name: _____ Lawson Employee #: _____ Department: _____

Day	In	Out	In	Out	In	Out	Hours Worked	SEMS Code	Absence Code	Absence Reason	Absence Hours	Absence Code	Absence Reason	Absence Hours	Absence Code	Absence Reason	Alt
Mon, Aug 1																	
Tue, Aug 2																	
Wed, Aug 3																	
Thu, Aug 4																	
Fri, Aug 5																	
Sat, Aug 6																	
Sun, Aug 7																	
Total							0.00										

Add to Comp Time Balance
 Comp Time/Overtime Earned for Week: 0.00 <-----

Day	In	Out	In	Out	In	Out	Hours Worked	SEMS Code	Absence Code	Absence Reason	Absence Hours	Absence Code	Absence Reason	Absence Hours	Absence Code	Absence Reason	Alt
Mon, Aug 8																	
Tue, Aug 9																	
Wed, Aug 10																	
Thu, Aug 11																	
Fri, Aug 12																	
Sat, Aug 13																	
Sun, Aug 14																	
Total							0.00										

Add to Comp Time Balance
 Comp Time/Overtime Earned for Week: 0.00 <-----

Day	In	Out	In	Out	In	Out	Hours Worked	SEMS Code	Absence Code	Absence Reason	Absence Hours	Absence Code	Absence Reason	Absence Hours	Absence Code	Absence Reason	Alt
Mon, Aug 15																	
Tue, Aug 16																	
Wed, Aug 17																	
Thu, Aug 18																	
Fri, Aug 19																	
Sat, Aug 20																	
Sun, Aug 21																	
Total							0.00										

***Overtime must have prior approval by Principal/Supervisor.**

Employee Signature	Date
Supervisor Signature	Date

Comp Time Opening Balance	
Comp Time Earned	
Additional Straight Hours	
Comp Time Used	
Hours to Pay	
Comp Time Ending Balance	0.00

Add to Comp Time Balance

Comp Time/Overtime Earned for Week	0.00	<-----
Trade Day Opening Balance		
Trade Days Earned	0.00	
Trade Days Used	0.00	
Trade Days Ending Balance	0.00	
Hours to Dock		>>>>
Overtime Hours Paid @ 1.5		>>>>

A decorative graphic on the left side of the slide features three balloons in light green, light blue, and light purple, each with a yellow streamer and several yellow triangular confetti pieces scattered around them.

Consequences for Falsifying PISD Time Record

- Any at-will or special assignment employee who knowingly violates the District's policy on leaves and absences shall be subject to dismissal.

Board Policy DEC (Local)



Other Pay Issues

Employee vs. Consultant

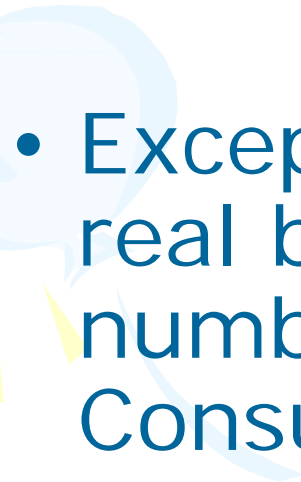



Employee Examples

- Temporary tutors
- Temporary help in the office
- Temporary help in the library
- Retired employee who comes back on part-time basis to do similar job
- PISD employee performing staff development, judging, or other jobs
- Contract labor



Employee vs. Consultant

- PISD employee is an employee is an employee is an employee
 - Exception: Employee owns outside real business with separate tax ID number and meets IRS definition of Consultant
 - Complete the checklist on PISD web site and have no "yes" answers
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Questions?