

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees

TITLE: Overtime and
Discretionary Time

ADOPTED: April 26, 2018

REVISED:

330 OVERTIME AND DISCRETIONARY TIME

Purpose

The School Reform Commission recognizes the need to administer overtime and discretionary time off in accordance with the Fair Labor Standards Act and collective bargaining agreements for all employees.

Definitions

Exempt Employees - Employees who are exempt from both the minimum wage and overtime pay provisions of the Fair Labor Standards Act (FLSA) as they are paid on a salary basis at a weekly amount determined by the FLSA and perform duties that render them classified as bona fide executive, administrative, or professional employees under the requirements of the United States Department of Labor's (DOL) regulations. Certain computer employees and outside sales employees, if any, may also fall under this definition pursuant to DOL regulations.

Non-Exempt Employees - Employees who are covered under the minimum wage and overtime pay provisions of the FLSA.

Authority

In order to ensure consistent treatment of all affected employees and compliance with applicable federal and state law regarding payment of overtime, the School Reform Commission adopts this policy. This policy applies to all non-represented employees. Represented employees should refer to their respective CBA.

Overtime Pay

In accordance with federal and state law, overtime shall be paid for work in excess of the established workday or workweek for non-exempt employees. [1][2] Overtime shall be equitably distributed among eligible employees within each classification at a given work location.

The District pays overtime pursuant to federal and state law. It will be paid at straight time for hours worked, up to forty (40) hours per week, and at the rate of time and one-half the regular rate of pay for time worked in excess of forty (40) hours per week. Overtime must be pre-approved in writing by the employee's supervisor [2] For purposes of computing overtime, credit shall be given only for hours worked as recorded in District records and provided by law.

Non-exempt employees, as defined by the Fair Labor Standards Act, are eligible to receive overtime pay at the rate of one and one-half times their regular hourly rate of pay for all hours worked over forty (40) in any given workweek. For non-exempt employees, the hours worked between thirty-five (35) and forty (40) in any given workweek will be paid at the straight time rate.

Overtime pay (one and one-half times regular rate) will not be paid if a non-exempt employee has used paid leave during the work week and the total hours of actual work do not exceed forty (40) hours.

Exempt employees, as defined by the Fair Labor Standards Act, are ineligible to receive any additional compensation (straight time or time and one-half) for hours worked over thirty-five (35) in any given workweek.

Compensatory Time

Non-exempt employees are ineligible to receive any additional compensatory time, as they are eligible for overtime pay, and exempt employees are ineligible to receive compensatory time but may receive discretionary time off as indicated below.

Discretionary Time-Off

Exempt employees who are not eligible for overtime according to this policy may be granted discretionary time off by their supervisors that must be pre-approved in writing, consistent with the needs of the department or program when they perform duties that require extraordinary work hours.

Situations where the granting of discretionary time off may be considered include supporting evening or weekend events and working extended evenings or on holidays or weekends to complete a project. Discretionary time off is not intended to be accrued on an hour for hour basis. The granting of and the amount of discretionary time off is at the discretion of the department manager with pre-approval in writing by the Department Chief and the Chief Talent Officer.

Delegation of Responsibility

This policy governs the process of determining exempt and non-exempt status and delegates the responsibility of monitoring the implementation of policy to the Office of Classification and

Compensation, which includes developing and disseminating procedures and standard forms by which employees and supervisors submit and/or approve overtime and discretionary time.

Legal References:

[1. 43 P.S. 333.104](#)

[2. 29 U.S.C. 207](#)

[3. 34 PA Code 231.42](#)

Related Information:

[Philadelphia Home Rule Charter - 12-308](#)

[34 PA Code 231.41](#)

[34 PA Code 231.43](#)

[43 P.S. 333.101 et seq](#)