

OVERTIME AND COMPENSATORY TIME

Accurate records shall be kept of hours worked by all classified employees. The Business Manager shall institute a system of record keeping using time sheets, time clocks, or other reliable method. All classified employees shall be considered to be subject to the minimum wage and overtime provisions of state and federal law unless specifically shown to be exempt.

The immediate supervisor shall determine whether it is necessary for employees to work overtime hours. Employees shall be required to perform all overtime hours assigned to them by the immediate supervisor. Employees are restricted from working more than 40 hours in a week without prior written permission from the immediate supervisor. Employees who work more than 40 hours in a week without authorization are subject to disciplinary action up to and including discharge. Supervisors are charged with ensuring that employees do not work overtime hours except as assigned. Failure to enforce this requirement may result in discipline of the supervisor.

The immediate supervisor shall have the option of providing either overtime compensation or compensatory time off to employees who work overtime and shall notify employees accordingly before the performance of overtime work.

Overtime hours will be compensated in accordance with Section 7 of the Fair Labor Standards Act and the North Dakota Department of Labor Regulations for all overtime hours worked.

If an employee is employed for two or more different positions which have different rates of pay, the District will pay the employee overtime compensation based upon the weighted hourly rate or may enter into an agreement with the employee, before the work is performed, to pay overtime at the regular overtime rate of pay for the actual work performed after the first forty hours of work in that work week.

If overtime hours are compensated with time off, compensatory time shall be provided at a rate of one and one-half hours for each hour in excess of 40 hours worked in a work week. Compensatory time may be accumulated to a maximum of 240 hours. Any employee who has accrued 240 hours of compensatory time off shall be paid overtime compensation for additional overtime hours of work. If compensation is paid to an employee for accrued compensatory time off, such compensation shall be paid at one and a half times the regular rate earned by the employee at the time the employee receives the compensation.

Upon termination of employment, employees who have accrued compensatory time shall be paid for unused compensatory time at a rate of compensation not less than regular rate received by the employee.

Employees who have accrued compensatory time off may request the use of compensatory time and shall be permitted to use such time within a reasonable period after making the request if the use of compensatory time does not unduly disrupt the operations of the employee's office or department.

Descriptor Code: DCBB

Legal Ref: 29 U.S.C. 201 et. seq. The Fair Labor Standards Act of 1938, as amended

NDCC Ch. 34-06 Minimum Wages and Hours

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