

## Educational Support Personnel

### **5:310 Compensatory Time-Off**

This policy governs the use of compensatory time-off by employees who: (1) are covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq., and (2) are not represented by an exclusive bargaining representative.

Employees may be given 1-1/2 hours of compensatory time-off in lieu of cash payment for each hour of overtime worked. At no time may an employee's accumulated compensatory time-off exceed 240 hours, which represents compensation for 160 hours of overtime.

Notwithstanding the above and to avoid hardship to the Cooperative, an employee's supervisor may require the employee to reduce accumulated compensatory time, or schedule the compensatory time-off for the employee, so that the employee does not accumulate more than 75 hours of compensatory time, which represents compensation for 50 hours of overtime.

An employee who has accrued compensatory time-off shall be permitted to use such time in half-day increments provided prior approval is obtained from the employee's supervisor.

Upon termination of employment, an employee will be paid for unused compensatory time at the higher of:

1. The average regular rate received by such employee during the last three years of employment;  
or
2. The final regular rate received by such employee.

Compensatory time-off is time during which the employee is not working and is, therefore, not counted as "hours worked" for purposes of overtime compensation.

#### Implementation

The Executive Director or designee shall implement this Policy in accordance with the FLSA. In the event of a conflict between the policy and the FLSA, the latter shall control.

#### LEGAL REF.:

29 U.S.C. §201 et seq., Fair Labor Standards Act; 29 C.F.R. Part 553.

CROSS REF.: 5:35 (Compliance with the Fair Labor Standards Act), 5:185 (Family and Medical Leave), 5:270 (Employment At-Will, Compensation, and Assignment)

Adopted: August 21, 2024

**Proviso Area for Exceptional Children (P.A.E.C.)**

---