

General Personnel

5:35 Compliance with the Fair Labor Standards Act

Job Classifications

The Executive Director will ensure that all Cooperative positions are identified as either "exempt" or "non-exempt" according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed of their "exempt" or "non-exempt" status. "Exempt" and "non-exempt" categories may include certificated and non-certificated positions. Minimum wage and overtime requirements pursuant to State law and the FLSA apply to all non-exempt employees, whether paid on a salary or hourly basis.

Workweek and Compensation

The workweek for Cooperative employees will be 12:00 a.m. Sunday until 11:59 p.m. Saturday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. "Overtime" is time worked in excess of 40 hours in a single workweek.

Overtime

Please refer to the current Contractual Agreement between P.A.E.C. Governing Board - SEJA #803 and Teachers and Program Assistants, P.A.E.C. Council Local 571 IFT-AFT.

For employees not covered by this Agreement:

A non-exempt employee shall not work overtime without his or her supervisor's prior, express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Executive Director or designee's prior written approval for any long term or repeated use of overtime, (3) ensure compliance with the overtime provisions of this Policy and the FLSA, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and his or her immediate supervisor and submitted to the business office. The business office will review work records of employees on a regular basis, make an assessment of overtime use, and provide the assessment to the Executive Director. In lieu of overtime compensation, non-exempt employees may receive compensatory time-off, according to Board Policy 5:310, *Compensatory Time-Off*.

Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the employee's exempt status. Licensed employees may be suspended without pay in accordance with Board Policy 5:240, *Suspension*. Non-licensed employees and program assistants may be suspended without pay in accordance with Board Policy 5:290, *Employment Termination and Suspensions*.

Implementation

The Executive Director or designee shall implement this Policy in accordance with State law and the FLSA, including required notices to employees. In the event of a conflict between the Policy and State or federal law, the latter shall control.

LEGAL REF.:

820 ILCS 105/4a.

Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778, and 785.

CROSS REF.: 5:240 (Suspension), 5:290 (Employment Termination and Suspensions), 5:310 (Compensatory Time-Off)

Adopted: June 25, 2024

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