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3 **PERSONNEL**

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5 **Fair labor Standards Act**

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7 **Compensatory Time and Overtime for Classified Employees**

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9 Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive
10 overtime pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee
11 agree to the provision of compensation time at a rate of one and one-half (1½) times all hours worked in
12 excess of forty (40) hours in any workweek. The Superintendent must approve any overtime work of a
13 classified employee.

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15 Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to
16 work without pay in an assignment similar to the employee’s regular work.

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18 A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

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20 **Blended Time**

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22 Classified Employees working two or more jobs for the District at different rates of pay shall be paid
23 overtime at a weighted average of the differing wages. This shall be determined by dividing the total
24 regular remuneration for all hours worked by the number of hours worked in that week to arrive at the
25 weighted average. One half that rate is then multiplied times the number of hours worked over 40 to
26 arrive at the overtime compensation due.

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28 *Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job*
29 *at 20 hrs./week at \$12.00/hr. (Same district). The employee would get \$300.00 per week for the 30*
30 *hr/week job (\$10.00X30) and \$240.00 per week for the 20 hr./week job (\$12.00X20). A total of \$540.00*
31 *(regular remuneration). Divide \$540.00 by 50(total hours worked) = \$10.8/hr (weighted average). One-*
32 *half that rate (\$10.80/2 = \$5.40)is multiplied by 10 (number of hours over 40). \$54.00 is the amount of*
33 *overtime compensation due the employee based on the “blended time”.*

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35 **Record-Keeping Requirements Under the Fair Labor Standards Act**

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37 1. Records required for ALL employees:
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39 A. Name in full (same name as used for Social Security);
40 B. Employee’s home address, including zip code;
41 C. Date of birth if under the age of nineteen (19);
42 D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
43 E. Time of day and day of week on which the employee’s workweek begins;
44 F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
45 G. Any payment made which is not counted as part of the “regular rate”;
46 H. Total wages paid each pay period.
47 I. Occupation
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2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any workweek (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
- E. Total overtime premium pay for a workweek;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period;
- K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
- L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

Legal Reference:	29 U.S.C § 201, <i>et seq.</i>	Fair Labor Standards Act
	24.9.805, ARM	Employment Records
	Title 39, Chapter 3, Part 4	Minimum Wage and Overtime Compensation
	24.16.2501—2581, ARM	Overtime Compensation

Policy History:

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