

# KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION OVERTIME

Series: G78A

Reference: Fair Labor Standards Act, West Virginia Code §§18A-4-8,  
18A-4-8a & 18A-4-8b

Issued: 12.01.2008

Revised:

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**78.01 PURPOSE:** To outline Kanawha County Schools Policy relative to employee eligibility for, computation of, and other conditions as they relate to non-exempt and exempt employees in accordance with the Fair Labor Standards Act and WV Code §18A-4-8, §18A-4-8a and §18A-4-8b.

**78.02 SCOPE:** This policy applies to all non-exempt employees.

**78.03 POLICY:** At times, Kanawha County Schools' employees may be required to work additional time than their standard scheduled work hours. Kanawha County Schools will properly account for and compensate employees in such situations. Only employees in positions designated as non-exempt are entitled to overtime. Any employee paid on an hourly basis regardless of job title is considered to be non-exempt. The supervisor must authorize overtime in advance of the employee performing the work. Unless excused by the supervisor for valid reasons, the employee is expected to work overtime. Only actual hours worked beyond forty (40) within a workweek by a non-exempt employee qualify as overtime. Overtime must be compensated: in wages at the rate of one and one-half (1½) the employee's regular rate of pay.

No service employee, without his or her agreement may be required to report to work more than five days per week and no part of any working day may be accumulated by the employer for future work, unless the employee agrees thereto. If a service person whose regular work week is scheduled from Monday through Friday agrees to perform any work on a Saturday or Sunday, the service person shall be paid for at least one-half day or work for each day he or she reports to work. If the service person works more than three and one-half hours on any Saturday or Sunday, he or she shall be paid for at least a full day of work for each day. Any service employee required to work on any legal school holiday shall be paid at a rate of one and one-half times the employee's usual hourly rate. Any full time service personnel required to work in excess of their normal working day during any week which contains a school holiday for which they are paid shall be paid for the additional hours or fraction of the additional hours at a rate of one and one-half times their usual hourly rate and paid entirely from county board funds.

**78.04 PROCEDURE**

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**78.04.1 Overtime Approval:** Supervisors are required to obtain approval from their department heads prior to the use of overtime. Employees who anticipate the need for overtime to complete the week's work must notify the supervisor in advance and obtain approval prior to working hours that extend beyond their normal schedule.

**78.04.2 Mandatory overtime:** During busy periods, Kanawha County Schools may require employees to work extended hours.

**78.04.3 Consequences of overuse of overtime:** Supervisors who authorize staff members to work overtime without prior approval from management will be subject to disciplinary action. Supervisors who continually rely on the use of overtime hours in order to complete a week's work without it being deemed as extenuating by management will be placed on a performance improvement plan.

**78.04.4 Consequences of unauthorized overtime:** Employees who fail to obtain approval prior to working hours that extend beyond their normal 40-hour workweek will be subject to disciplinary action. Repeated offenses may result in termination.

**78.04.5 Selection of Employees to Work Overtime:** Overtime for service personnel is considered an "extra duty assignment." Extra-duty assignments shall be made in the following manner: An employee with the greatest length of service time in a particular category of employment shall be given priority in accepting extra duty assignments, followed by other fellow employees on a rotating basis according to the length of their service time, until all such employees have had the opportunity to perform such assignments. The cycle shall then be repeated.: Provided that an alternative procedure for making extra-duty assignments within a particular category of employment may be utilized if the alternative procedure is approved by both the board of education and by an affirmative vote of two-thirds of the employees within the classification category of employment. If no employee agrees to accept the overtime assignment, the supervisor may assign overtime to the least senior employee or employees required to perform the overtime assignment.

**78.05 RESPONSIBILITY FOR IMPLEMENTATION:** The supervisor is responsible for the scheduling and designation of employee(s) to work

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overtime and ensuring employees are properly compensated for work performed. Human Resources is available to answer questions or provide additional information regarding this policy.

**78.06 RESPONSIBILITY FOR INTERPRETATION:** The responsibility for interpretation of this policy rests with the Human Resources Division.

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**Office of the Superintendent**

**AUTHORIZATION FOR EMPLOYEE USE OF OVERTIME**

**USE OF OVERTIME**

**INSTRUCTIONS:** To request employee overtime, the employee's immediate supervisor should complete this form and submit for approval to the appropriate director, deputy superintendent, or superintendent according to directions below. An approved copy should be provided to the employee prior to use of overtime (if possible) or as soon as possible following the day on which overtime was used. An approval copy should be attached to the employee's time sheet and filed with the payroll records.

**Employee Requesting Overtime:**

*(Print Full name)(ID#) (Signature)*

**Purpose of Overtime Work:**

**Hours worked in excess of 40:**

*(Date) Hours (From/To)*

**Hours Overtime Worked:**

*(Date) Hours (From/To)*

**Supervisor Authorizing Overtime:**

**Department Head Authorizing Overtime:**

**Number of Hours of overtime worked in excess of 40 hours to be paid:**

**DISTRIBUTION AFTER APPROVAL:** COPY 1/Principal/Timekeeper (for payroll verification);

COPY 2/Department Director; COPY 3/Employee