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3 **PERSONNEL**

5336

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5 Compensatory Time and Overtime for Classified Employees

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

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

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

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19 ***NOTE:** Please be advised that comp time is not required. If a district adopts a comp time*
20 *policy, there are basically two (2) types of employees: 1) Those who are covered before the*
21 *policy was adopted need to be treated on a case-by-case basis, and the agreement to allow comp*
22 *time must be entered into before the work is performed. 2) Those hired after the policy is in*
23 *place – the Department of Labor has determined that the employee agreed to the policy. Some*
24 *experts have said comp time is a credit card, not a savings account. The employee has broad*
25 *latitude to decide when the time will be taken.*

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29 Legal Reference: 29 U.S.C § 201, *et seq.* Fair Labor Standards Act
30 Title 39, Chapter 3, Part 4 Minimum Wage and
31 Overtime Compensation
32 Admin. R. Mont. 24.16.2501—2581 Overtime Compensation
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34 Policy History:

35 Adopted on: March 10, 2014
36 Reviewed on: March 10, 2014
37 Revised on: March 10, 2014