

Sec.1. FAIR LABOR STANDARDS ACT

a) *Classification of Positions*

The Superintendent or designee shall determine the classification of positions or employees as “exempt” or “nonexempt” for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

b) *Exempt*

Erath Excels Academy shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and Erath Excels Academy shall not make deductions that are prohibited under the FLSA or state law.

Exempt employees (excluding teachers) are paid on a salaried basis, and their salary is not reduced for absences of less than one full day.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to Erath Excels Academy’s attention, through the Erath Excels Academy complaint process. If improper deductions are confirmed, Erath Excels Academy will reimburse the employee and take steps to ensure future compliance with the FLSA.

The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the FLSA, as needed. The employee may be compensated for these assignments according to Erath Excels Academy’s compensation plans.

c) *Nonexempt*

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline, up to and including termination, but shall be compensated in accordance with the FLSA.

d) *Minimum Wage and Overtime*

Unless an exemption applies, Erath Excels Academy shall pay each of its employees not less than minimum wage for all hours worked and for exempt employees, in accordance with the minimum salary basis requirements (except for instructional employees as defined in the FLSA).

Unless an exemption applies, Erath Excels Academy shall pay a non-exempt employee not less than one and one-half times the employee's regular rate of pay for all actual hours worked in excess of forty in any workweek.

e) *Workweek Defined*

For purposes of FLSA compliance, the workweek for school employees shall be individualized for each employee to reflect a workweek normally considered to be "normal".

Sec.2. WAGE AND HOUR RECORDS

Erath Excels Academy shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. Records shall also be kept in accordance with applicable State record retention schedules.

Sec.3. COMPLIANCE WITH FEDERAL AND STATE WAGE AND HOUR LAWS

Erath Excels Academy shall take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays and in accordance with Federal and State Wage and Hour Laws including the FLSA and the Texas Payday Act. The Superintendent or designee shall adopt procedures to ensure that Erath Excels Academy complies with applicable Federal and State Wage and Hour Laws.