

This district will follow all requirements set forth in the Fair Labor Standards Act (FLSA) and its implementing regulations. Pursuant to the FLSA, all exempt employees of the district shall be paid on a salary basis, which means that the employee regularly receives a predetermined amount of compensation each pay period. This predetermined amount may not be reduced because of variations in the quality or quantity of the employee's work. Exempt employees are not subject to the minimum wage or the overtime requirements of the FLSA and will not be paid for hours worked in excess of 40 in any workweek. The salary for an exempt employee will be set forth in the annual employment contract.

DEFINITIONS

"Exempt Employees" means those employees excluded from the overtime provisions of the FLSA, including all employees employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools) or as computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees. Exempt employees are paid a monthly salary.

"Safety Rule of Major Significance" means those district policies relating to the prevention of serious danger in the workplace or to other employees.

"Salary" means a predetermined monetary amount constituting all or part of an exempt employee's compensation.

"Teacher" means any employee with the primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in this district. Employees who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching.

"Workweek" consists of five consecutive days during a seven-day period. In this district, the regular workweek begins at midnight Saturday and ends at midnight the following Saturday, although a regular work schedule is generally based on a Monday through Friday week.

DEDUCTIONS IN SALARY

The district is authorized to take deductions from an exempt employee's salary without jeopardizing the employee's exempt status. Deductions may occur under the following circumstances:

1. An exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability, and the employee has no accumulated personal leave.
2. An exempt employee is absent for one or more full days due to sickness or disability (including work-related accidents), if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. Deductions for such full day absences may also be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance under such plan, policy or practice.
3. An exempt employee violates any safety rule of major significance and the board in good faith imposes such a deduction in pay as a disciplinary action.
4. An exempt employee violates district rules or is otherwise disciplined pursuant to Idaho Code §33-513, and the board imposes an unpaid disciplinary suspension of one or more full days. Such suspensions will be imposed pursuant to written board policies applicable to all district employees.
5. The district will not pay exempt employees for any workweek in which they perform no work. The district will pay a proportionate share of an exempt employee's full salary for the time actually worked in the first and last week of employment, basing the payment on an hourly or daily equivalent of the employee's full salary for the time actually worked.
6. Exempt employees on unpaid leave, pursuant to the Family and Medical Leave Act, will be paid a proportionate share of their full salary for time actually worked.
7. The district may offset any amounts received by an exempt employee for jury fees, witness fees, or military pay against the salary due for that particular workweek.
8. The district will make other deductions from the exempt employee's salary, as authorized in writing by the employee or ordered by a court of competent jurisdiction.

When calculating the amount of a deduction, the district may use the hourly or daily equivalent of the exempt employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules may be made in any amount.

In addition to the foregoing, exempt employees who accrue personal leave and sick leave may have their pay reduced or may be placed on unpaid leave for absences due to personal reasons of less than one (1) full day when leave is not used by the employee because;

1. Permission for its use has not been sought or has been sought and denied.
2. The employee's accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

The provisions provided in this policy do not require a deduction if an employee has applicable leave available under the district's leave policies.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

It is the intent of this district that all salaried employees are properly compensated. In the event an exempt employee feels that an improper pay deduction has occurred, the employee may file a written complaint with the payroll office. The payroll office shall review the matter, and determine whether an improper pay deduction occurred. In the event it is determined that an improper deduction did occur, the employee shall be reimbursed the proper amount in his/her next regularly scheduled paycheck.

This policy shall be distributed to employees upon initial hire and to all employees on an annual basis.

**LEGAL REFERENCE:**

Fair Labor Standards Act
29 CFR 541, *et seq.*

ADOPTED: November 16, 2021

AMENDED: May 17, 2022