



ADMINISTRATIVE PROCEDURE

POSITIONS EXEMPT FROM OVERTIME UNDER FAIR LABOR STANDARDS ACT

4148.1

Procedure No.

July 1, 2008

Date

- I. **PURPOSE:** To publish a listing of those administrative and supervisory positions that are exempt from the overtime pay and compensatory time-off provisions of federal and/or state laws governing overtime and for which payment of overtime pay or compensatory time-off is not authorized.
- II. **INFORMATION:** Federal and state laws provide certain conditions for the payment of personnel including overtime payments and compensatory time-off in lieu of overtime. Procedures, practices, and contracted agreements related to overtime pay and compensatory time-off shall not conflict with the requirements of these laws. Positions are determined to be exempt or non-exempt based on the requirements of these laws. The attachment to this Administrative Procedure lists the current exempt positions in the Prince George's County Public School System. If new positions are created, the determination of whether they are exempt or non-exempt positions will be made in accordance with the requirements of the federal and state laws governing overtime.
- III. **DEFINITIONS:** The following terms apply to the content of this Administrative Procedure:
 - A. Overtime – Work in excess of the normal workweek.
 - B. Compensatory Time – Time off given an employee in return for the performance of overtime.
 - C. Exempt Positions – Positions of an executive, administrative, or professional capacity, which are not subject to the overtime provisions of federal and state law.
 - D. Non-Exempt Positions – Position classifications, which are subject to the overtime provisions of applicable federal and/or state laws.
- IV. **PROCEDURES:** When there is a question of entitlement of pay for overtime work, or compensatory time-off in lieu of overtime pay, the following should be accomplished in substance. Note that executive, administrative, and professional employees are generally not subject to the overtime provisions of federal and/or state laws governing overtime.
 - A. **Employees:** Any employee who believes there is question of entitlement to overtime or compensatory time-off in lieu of overtime should discuss the matter directly with their immediate supervisor.



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- B. **Supervisors:** Supervisors will be guided by the content of these procedures, and the positions listed in the attachment for application to individual cases. Questions of positions not listed should be brought to the attention of the Compensation, Benefits, and HRIS Department of the Human Resources Division.
- C. Proposed changes to agreements between Prince George's County Public Schools and employee unions in the area of compensatory time-off or overtime pay must be reviewed for practicality of implementation and legal sufficiency by representatives from Information Technology; Payroll Services; Compensation, Benefits, and HRIS; and the Office of General Counsel.
- V. **RELATED PROCEDURES:** Administrative Procedure 4148, Compensatory Time-off and Overtime Pay for Non-Exempt Employees.
- VI. **MAINTENANCE AND UPDATE OF THESE PROCEDURES:** These procedures originate with the Division of Human Resources and will be reviewed and amended as needed. The attached list will be reviewed and updated as necessary by June 30 of each year.
- VII. **CANCELLATIONS AND SUPERSEDES:** This Administrative Procedure cancels and supersedes Administrative Procedure 4148.1, dated July 1, 2005.
- VIII. **EFFECTIVE DATE:** July 1, 2008.

Approved by:
John E. Deasy
Superintendent of Schools

Attachment: Listing of Positions Exempt from Overtime under Fair Labor Standards Act

Distribution: Lists 1, 2, 3, 4, 5, 6, 9, 10, and 11