

Fair Labor Standards Act Safe Harbor Policy

The River Valley School District intends to comply with all federal regulations with respect to the Fair Labor Standards Act (FLSA). In this regard, the FLSA provides an exemption from both minimum wage and overtime payment for employees employed in bona fide executive, administrative, professional and computer positions. To qualify for an overtime exemption, an employee generally must be paid no less than ~~\$23,660~~ ~~\$35,568~~ a year or ~~\$455~~ ~~\$684~~ per week on a salary basis. (This does not apply to teachers or certain medical personnel.) Certain exempt computer employees may be paid at least ~~\$455~~ ~~\$35,568 a year~~ or ~~\$684 per week~~ on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour.

Being paid on a "salary basis" refers to an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis which cannot be reduced because of variations in the quality or quantity of work. Subject to the exceptions listed below, an exempt employee must receive his or her full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any work week in which they perform no work and will not be paid, unless appropriate accrued paid leave is utilized. If deductions are made from an employee's predetermined salary because of the employer's operating requirements, that employee is not paid on a "salary basis." If the employee is ready, willing, and able to work, deductions may not be made for time when work is not available.

~~Deductions from pay are permissible when an exempt employee is:~~

- ~~1. Absent from work for one or more full days for personal reasons, other than sickness or disability;~~
- ~~2. Absent from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;~~
- ~~3. In receipt of amounts such as jury or witness fees; or~~
- ~~4. On an unpaid disciplinary suspension for one or more full days, imposed in good faith for workplace conduct rule infractions.~~

~~Also, the District is not required to pay an employee's full salary in the initial or final week of employment, for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either a partial day or full day deduction may be made. Finally, as a public employer, the District operates under principles of public accountability, which permit deductions from the pay of an exempt employee for partial day or full day absences due to illness, injury, or personal reasons when accrued paid leave is not used by an employee because:~~

- ~~1. Permission for its use has not been sought or has been sought and denied;~~
- ~~2. Accrued leave has been exhausted; or~~
- ~~3. The employee chooses to use leave without pay, if such leave is available.~~

~~Deductions may also be permissible for budget related temporary layoffs.~~

~~Deductions from pay for employees who are required to be paid on a salary basis under the FLSA are permissible for:~~

- ~~1. Absences from work for one or more full days for personal reasons, other than sickness or disability;~~

2. Absences from work for one or more full days due to sickness or disability, if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
3. To offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
4. Penalties imposed in good faith for infractions of safety rules of major significance;
5. Family and Medical Leave Act absences (either full- or partial-day absences);
6. Absences due to unpaid disciplinary suspension for one or more full days, imposed in good faith for workplace conduct rule infractions;
7. The first or last week of employment in the event the employee works less than a full week; and
8. Any full work week in which the employee does not perform any work.

It is the District's policy to comply with the "salary basis" requirements of the FLSA with regard to exempt employees. The District will properly investigate and correct any improper payroll deductions or other payroll practices that do not comply with the FLSA. If an employee believes there is an improper payroll practice, or there has been an improper deduction from an exempt employee's salary, the employee should report it to the Human Resources Department, which will promptly investigate the matter. The employee will be promptly reimbursed for any improper deduction and no similar deductions will be taken from the complaining employee or any other exempt employee's pay **who is paid on a salary basis**. There will be no retaliation against any employee for reporting his or her concerns with respect to this policy.