

BALTIMORE COUNTY PUBLIC SCHOOLS

Dr. Joe A. Hairston ♦ Superintendent ♦ 6901 Charles Street ♦ Towson, MD ♦ 21204

TO: Principals

FROM: Dr. Donald Peccia, Assistant Superintendent
Department of Human Resources

CC: J. Robert Haines, Esq.
Deputy Superintendent

DATE: November 26, 2008

RE: Baltimore (County Instructional) Assistants and Clerical Employees (BACE) Employees
Who Work Beyond Their Scheduled Hours

To ensure continued compliance with all applicable laws, regulations, and agreements, BCPS is implementing new procedures for the reporting of time worked by BACE-represented employees. Attached is a memorandum that should be distributed to BACE-represented employees in your office. The memorandum outlines new time and attendance reporting procedures for BACE-represented employees who work beyond their scheduled hours. Your understanding and enforcement of the new procedures is critical. Below is a summary of the memorandum's major points.

BACE-represented employees **MUST** obtain authorization from an appropriate administrator **PRIOR** to working beyond their scheduled hours. The "Authorization to Work" form is included with the memorandum that will be sent to employees. Employees who agree to work beyond their scheduled hours must be compensated with pay or compensatory (comp) time in lieu of money.

1. These non-exempt (i.e., not exempt from the Fair Labor Standards Act), hourly employees are **NOT** allowed to "volunteer" to work beyond their scheduled hours (e.g., they are **NOT** allowed to work during their duty-free lunch or to take work home with them) without authorization and compensation (i.e., pay or comp time).
2. Employers may **NOT** "average out" one week's overtime or comp time in the following work week. **Each work week stands alone.** By law and agreement, **ALL** of these employees are entitled to overtime compensation when they work more than 40 hours in a work week.
3. Employees who work beyond their scheduled hours must be compensated hour for hour up to 40 hours in a work week and at time-and-one-half their regular rate of pay for all hours worked over 40 in a workweek. This applies to pay **AND** comp time.
4. If a BACE-represented employee works beyond his/her scheduled hours without prior authorization, the employee **MUST** be compensated. If the employee continues to work beyond his/her scheduled hours without prior authorization, then appropriate disciplinary action in accordance with HR procedures may begin against the employee who continues to work without authorization and/or the supervisor who permits the employee to work without authorization.
5. In order to avoid budget shortfalls, employees should be offered comp time whenever possible. If an employee refuses comp time, then administrators may deny the request to work beyond scheduled hours or redirect the work to an employee who will agree to comp time. Employees who agree to comp time must be allowed to use it in a reasonable time before the end of the school/fiscal year. Unused comp time will be paid out at the end of the school/fiscal year.

6. Accrued comp time will appear on employee pay stubs and on leave usage reports available to administrators who are responsible for monitoring unused comp time and overtime payments to BACE-represented employees.

Questions regarding these procedures should be directed to Dr. Fran Allen, Manager, Personnel Services, at 8936. Questions concerning the reporting of time and attendance should be directed to the Office of Payroll at 4240.