

BP 4151 SALARY GUIDES – EXEMPT EMPLOYEES

The School Board is committed to compliance with the salary basis requirements of the Fair Labor Standards Act. Improper deductions from the salaries of exempt employees are prohibited. (cf. BP 4253 Overtime Pay/Compensatory Time Off)

Salary Basis Requirement

An exempt employee must meet certain tests regarding their job duties and be paid on a salary basis. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek 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 workweek in which they perform no work.

Permissible Deductions

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of 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; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of district policies or procedures.

The district is not required to pay the full salary in the initial or terminal 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 partial day or full day deductions may be made.

Complaint Procedure for Improper Deductions

If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, or to the payroll administrator.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

Legal Reference:

Fair Labor Standards Act, 29 U.S.C. § 201, et seq.

Added 12/04

9/92