Sec. 1. FAIR LABOR STANDARDS ACT

a) *Classification of Positions*

The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "nonexempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act (FLSA).

b) *Exempt*

Midland Academy Charter shall pay employees who are exempt from the overtime pay requirements of the FLSA on a salary basis. The salaries of these employees are intended to cover all hours worked, and Midland Academy Charter shall not make deductions that are prohibited under the FLSA or state law.

Exempt employees (excluding teachers) are paid on a salaried basis, and their salary is not reduced for absences of less than one full day.

An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to Midland Academy Charter's attention, through the Midland Academy Charter complaint process. If improper deductions are confirmed, Midland Academy Charter will reimburse the employee and take steps to ensure future compliance with the FLSA.

The Superintendent or designee may assign noncontractual supplemental duties to personnel exempt under the FLSA, as needed. The employee may be compensated for these assignments according to Midland Academy Charter's compensation plans.

c) *Nonexempt*

Nonexempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours.

A nonexempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to discipline, up to and including termination, but shall be compensated in accordance with the FLSA.

d) *Minimum Wage and Overtime*

Unless an exemption applies, Midland Academy Charter shall pay each of its employees not less than minimum wage for all hours worked and for exempt employees, in accordance with the minimum salary basis requirements (except for instructional employees as defined in the FLSA).

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Unless an exemption applies, Midland Academy Charter shall pay a non-exempt employee not less than one and one-half times the employee's regular rate of pay for all actual hours worked in excess of forty in any workweek.

e) ***Workweek Defined***

For purposes of FLSA compliance, the workweek for school employees shall be workweek start time, e.g. 12:00 a.m. Saturday until workweek end time, e.g. 11:59 p.m. Friday.

Sec. 2. WAGE AND HOUR RECORDS

Midland Academy Charter shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. Records shall also be kept in accordance with applicable State record retention schedules.

Sec. 3. COMPLIANCE WITH FEDERAL AND STATE WAGE AND HOUR LAWS

Midland Academy Charter shall take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays and in accordance with Federal and State Wage and Hour Laws including the FLSA and the Texas Payday Act. The Superintendent or designee shall adopt procedures to ensure that Midland Academy Charter complies with applicable Federal and State Wage and Hour Laws.

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