



WINDHAM SCHOOL
DISTRICT

NUMBER: SD-07.09 (rev. 4)

DATE: October 15, 2020

PAGE: 1 of 4

SUPERSEDES: OP-07.09 (rev. 3)
February 2, 2017

SUPERINTENDENT DIRECTIVE

SUBJECT: HOURS OF DUTY

AUTHORITY: Tex. Educ. Code § 19.009; Windham Board Policy (WBP)-03.02, “Windham School District Superintendent Responsibilities and Authority”; *Fair Labor Standards Act* (FLSA), 29 U.S.C. § 201

Reference: Tex. Gov't Code §§658.001-010; WBP-07.12 and OP-07.12, “Compensatory Time”; OP-07.13, “Employee Training and Staff Development”

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent’s authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent’s authority to terminate a noncontract employee at will.

POLICY:

The hours of duty for each standard workday will be eight hours. This policy addresses the hours of duty for WSD staff, breaks, and the number of required hours of activities on staff development days. Due to the varied working structures of different units within the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division, not all campuses begin and end school at the same time of day, nor do career and technical education, vocational and academic or life skills classes on the same campus necessarily begin and end classes at the

same time. Also, school schedules are impacted by activities occurring on the unit and, occasionally, actual teaching time and preparation time may need to be adjusted. The principal shall coordinate with appropriate TDCJ officials to ensure that the unit schedule will accommodate school requirements.

DEFINITIONS

“Campus” is a WSD school located within a secure facility operated by the TDCJ.

"Enrichment" is instruction and programs that support the core curriculum as well as additional time for professional development and collaborative planning during the school day.

“Flex Time” is an occasional schedule adjustment, beneficial to both WSD and the employee, that allows an employee to make up time away from work within the same workweek to attend to special or emergency circumstances.

“FLSA Exempt Employee” is an employee who is not subject to the wage and overtime provisions of the FLSA because the employee’s primary duty assignments pass the FLSA executive, administrative, professional, computer, or outside sales exemption test. Teachers are FLSA exempt employees.

“FLSA Non-Exempt Employee” is an employee subject to the wage and overtime provisions of the FLSA because the employee’s primary duty assignments do not pass FLSA executive, administrative, professional, computer, or outside sales exemption test.

“Remote Work” is the performance of job duties and responsibilities being fulfilled at a location other than the campus or office of typical assignment.

DISCUSSION:

An employee who fails to comply with the procedures within this directive, unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts, may be subject to disciplinary action up to and including termination in accordance with WBP 7.44, Professional Standards of Conduct and Disciplinary.

PROCEDURES:

- I. Work Hours and Breaks
 - A. All full-time employees will work eight hours per day, forty hours per week, as directed by their supervisor.
 - B. Work hours for employees assigned to a campus will be scheduled and adjusted by

the supervisor in accordance with the unit schedule as determined by the unit warden. Emergency and other unusual circumstances caused by the prison environment may occasionally require employees to work beyond the required minimum hours. Employees may be required to work outside their schedule to attend staff meetings, supervisor visits, or training. Supervisors will schedule, or approve in advance, any time worked outside normal working hours.

- C. The normal workday for a teacher should be comprised of six and one-half hours of instruction, one hour of planning and preparation, and 30 minutes of enrichment for a total of eight hours. Time set aside for planning and preparation and enrichment may not be performed through work at a remote location unless approved by the Superintendent.
- D. Employees are required to take a minimum of 30 minutes of duty-free lunch. The supervisor will determine the exact amount of time for lunch with consideration to unit schedules and other business needs.
- E. Employees not working on a unit may start the workday at 7:00 AM or later. Only employees working in the Administrative Warehouse may start earlier than 7:00 AM. Supervisors are responsible for determining employee start times consistent with this policy.
- F. Compensatory time will be earned in accordance with WBP-07.12 and OP-07.12.
- G. Adjustments to normal work schedules.
 - 1. Special circumstances may exist, such as doctor's appointments or children's school requirements, where it is beneficial to both WSD and the employee if an adjustment is made to the work schedule.
 - 2. Requests for flex time must be submitted to the supervisor in advance. Approval must be provided to the employee in writing.
 - 3. No more than six hours per workweek may be flex time. Flex time may not be performed through work at a remote location unless approved by the Superintendent.
 - 4. Hours worked and time away from work must be entered into the appropriate time keeping system at the end of each work day; no later than end of business on the last day of the workweek. Supervisors are required to review and approve time within 36 hours of end of business on the last day of the workweek.

II. Remote Work Provisions

- A. All employees are expected to be available during normal work hours, as established by the supervisor, by phone, email, or video conferencing to confer with their supervisor and other employees;
- B. All employees are expected to have the personal technology required to receive and transmit documents as required by their position that are part of normal document processing responsibilities;
- C. Educators must continue to be able to develop and implement lesson plans and activities through distance learning to fulfill the requirements of the District's curriculum program and show evidence of preparation, as required; and
- D. Educators must continue to be able to plan and use appropriate instructional strategies, activities, and resources for distance or virtual learning that reflect understanding of the learning styles and needs of assigned students.
- E. Provisions Related to Working at a Personal Residence
 - 1. A WSD employee will be permitted to accrue work hours only at the employee's regular place of employment or temporary assigned duty point unless the employee has received prior written authorization from the superintendent to work at the employee's personal residence.
 - 2. Written justification for an employee to work from their personal residence must be submitted by the supervisor, through the chain of supervision, to the administrator for human resources. The administrator for human resources will submit the request to the superintendent for approval or denial. A decision by the superintendent is final and cannot be grieved.
 - 3. In accordance with state law, no employee shall accrue compensatory time for work performed at the employee's personal residence without prior written consent from the superintendent.
 - 4. There is no statutory or contractual right to work from a personal residence.

III. Reasonable Break Time for Nursing Mothers

The WSD shall make reasonable efforts to provide an employee, who is a nursing mother returning to work after childbirth, with a room or other location in close proximity to the employee's work area where the employee can express milk in private. A nursing mother shall be allowed a flexible schedule that will provide reasonable break time to express milk

during normal working and overtime hours. Reasonable break time for a nursing mother shall be available to the employee for up to, but not beyond, one year after the child's birth.

A. Employee Responsibilities

1. An employee who wishes to use the break time for nursing mothers' entitlement shall inform the human resources representative prior to returning to work after the birth of a child to allow adequate time to establish a designated area and to schedule break times.
2. Storage of the expressed milk in the designated location is the responsibility of the employee. All expressed milk must be stored in closed containers, regardless of the method of storage.

B. Human Resources Representative and Supervisor Responsibilities

The human resources representative, in conjunction with the employee's supervisor, shall:

1. Determine a designated area, not a restroom, toilet stall, or parked car, that the employee can use for the purpose of expressing milk. The designated area should not be accessible to the public or other employees while it is in use for expressing purposes. The designated area should contain, at minimum, a chair and small table, desk, counter, or flat surface, an electrical outlet, and if possible, a door with a lock. If the employee has a private office, it may be used for this purpose. Access to a sink, not in a restroom, is also required for sanitizing equipment.
2. Designate an accessible, hygienic location for storage of expressed milk.

C. Reasonable Break Time

1. A reasonable break time for an employee who is expressing milk is a federal entitlement that shall run concurrently with any break time, other than a meal break, if possible. For example, an employee who uses a reasonable break time to express milk shall not take an additional break, such as a 15-minute convenience break, without using their accrued leave. An employee may, but is not required to, use a meal break for the purpose of expressing milk.
2. An employee shall be compensated for reasonable breaks of up to 20 minutes. For any break in excess of 20 minutes, an employee shall use any of their accrued leave available, except sick leave, in accordance with WBP-07.11 "Leaves and Absences"

3. Employees who do not have accrued leave to cover any time over the allotted 20 minutes shall be required to take such time without pay.
4. An employee may be required to postpone a scheduled reasonable break time for up to 30 minutes if appropriate staff coverage is not available.

Signature on file
Kristina J. Hartman, Ed.S.,
Superintendent
Windham School District