

Descriptor Term:  
PERMITTED SALARY DEDUCTIONS FOR  
ABSENCES AND DISCIPLINE OF EXEMPT  
EMPLOYEES

Descriptor Code:  
7.4885

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*

Cross References: 7.4880 Payroll Deductions; 7.4890 Leave of Absence; 7.4892 Voluntary Shared Leave; 7.4893 Family and Medical Leave; 7.4894 Military Leave

The board will comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state laws and State Board of Education policies. School employees who are classified as exempt under the FLSA must be paid on a salary basis, which means that the employee regularly receives a predetermined amount of compensation each pay period. This predetermined amount may not be reduced because of variations in the quality or quantity of the employee's work.

Subject to the 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 need not be paid for any workweek in which they perform no work.

The board prohibits making improper deductions from the salaries of exempt employees. The provisions provided in this policy do not require a deduction if an employee has applicable leave available under the school's leave policies.

A. DEDUCTIONS FROM PAY

1. Deductions from the pay of an exempt employee are permissible in the following circumstances:
  - a. for absences of one or more full day(s) for personal reasons other than sickness or disability;
  - b. for absences of one or more full day(s) due to sickness or disability if the deduction is made in accordance with the school's leave policies;
  - c. to offset amounts employees receive as jury or witness fees or for military pay; or
  - d. for unpaid disciplinary suspension of one or more full days imposed in good faith for workplace conduct rule infractions.
2. In addition, the board may make partial day or full day deductions from salary in the following circumstances:
  - a. during the initial or final week of employment;
  - b. for penalties imposed in good faith for infractions of safety rules of major significance; or
  - c. for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

B. REPORTING IMPROPER DEDUCTIONS

If an employee believes that an improper deduction has been made to his or her salary, the employee should report this information to his or her direct supervisor as soon as possible. Any supervisor who receives a report of an alleged improper deduction must notify the payroll department immediately.

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

If the complaining employee is not satisfied with the investigation concerning improper deductions, he or she may file a grievance pursuant to policy 1.7500/7.1500 Employee Grievance Procedure.