

LICENSED AND CLASSIFIED STAFF SCHEDULES, TIME TRACKING, AND COMPENSATION

The Albemarle County School Board (“Board”) shall establish policies to compensate employees fairly and in accordance with local, state, and federal laws for all time worked. The Board approves the annual staffing plan through the budget process each fiscal year. Staffing allocations are made for each school/department that determine the number and type of positions for employee payroll. The following are guidelines, and expectations for employees and supervisors. These provisions shall be effective July 1, 2019, unless otherwise stated.

I. Staff Schedules

A. Teachers/ Instructional Staff

The hours of employment shall depend on the length of time required to accomplish the objectives of Albemarle County Public Schools (“Division”). Licensed personnel shall be available for a reasonable time both before and after school to assist students and parents as the need may arise. Also, as part of the essential job duties to meet these Board objectives, staff are expected to attend meetings, training, professional learning, and other job-related events that occur outside of the regular student day without the expectation of additional compensation,.

Principals/department heads shall set the beginning and ending times for their instructional staff with the approval of the Superintendent/Designee. Staff are expected to work their contracted amounts per workday with full-time teachers working a minimum of seven and one-quarter (7.25) hours per workday.

B. Classified Staff

The supervisor of every classified employee shall determine the employee's work schedule in accordance with the base weekly hours for that position and the needs of the school/department. Principals/department heads/designees may require that employees work additional time or alternative schedules to meet the needs of the school/department. Whenever possible, supervisors shall give advance notice as soon as the work schedule change is determined so that employees are able to arrange their personal schedules.

C. Administrators

Licensed and non-licensed supervisors are expected to ensure there is adequate supervision of their schools/departments at all times. Work schedules may vary based upon Division needs. These staff are expected to work their allocated hours per week at a minimum.

II. Alternative Schedules

- A. Guidelines: Principals/department heads/designees may permit alternative work schedules for staff provided that the following conditions are met:
1. the school/department is open to the public on all days other than posted holidays and emergency closings;
 2. employees work the requisite number of hours for the posting; and
 3. all applicable personnel policies are followed.
- B. Rotating Schedules: In the event that a non-exempt employee (usually part-time) has a work schedule where the total weekly hours change from one workweek to the next, the employee's base weekly hours will be classified based on the workweek with the fewer number of hours. The employee would then receive addition pay when a greater number of hours are worked in the workweek due to the Division's pay by exemption system.
- C. Flex Time: Non-exempt employees are paid based upon hours worked or leave taken during the workweek. In lieu of taking leave, a supervisor may allow an employee to work an alternative scheduled in a given workweek as long as all base weekly hours are accounted for within the workweek. Exempt employees may alternative schedules with supervisor approval.

III. Overtime and Compensatory Time Compensation

Non-exempt employees are entitled to overtime pay or compensatory time leave in accordance with the Fair Labor Standards Act ("FLSA") for hours worked in excess of their maximum allowable hours at one and one half times their regular rates of pay. The following regulation establishes the general guidelines and procedures the Division will follow regarding overtime and compensatory time leave requirements of the FLSA and applicable state law. If any conflict arises between this policy and the FLSA or state law, the requirements of the FLSA and/or state law will govern.

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Legal Ref.: 29 U.S.C. §201 et.seq.
29 C.F.R. § 516.1 et seq.
Code of Virginia, 1950, as amended, §§ 22.1-291.1, 40.1-28.8 et seq.

Cross Ref.: GBCA, Employee Discipline
GCA, Personnel – Definitions
GCBA, Salary Administration and Position Classification

GCC, Leave Program

GCLA, Professional Learning Time and Leave

GCQC, Coverage of Schools Due to Inclement Weather and/or Emergency

GCQD, Emergency Staffing Situation

PROCEDURE FOR LICENSED AND CLASSIFIED STAFF SCHEDULES, TIME TRACKING AND COMPENSATION

I. OVERVIEW AND KEY TERMS

- A. **Base Weekly Hours.** Each regular employee has a designated number of official hours per workweek that have been set for the position. While an employee's actual daily work schedule may vary, the employee's base weekly hours remain the same. For example, an employee with 40 base weekly hours may work five (5) eight (8)-hour shifts or may work four (4) 10-hour shifts.
- B. **Exempt Employees:** Employees in certain positions are exempt from overtime pay requirements and compensatory time leave eligibility if the positions satisfy the criteria for the exemptions defined under the FLSA. Positions will be classified by the Department of Human Resources ("Human Resources") and approved by the Superintendent/designee.
- C. **Fair Labor Standards Act.** The FLSA requires all covered employers, including the Division, to comply with its minimum wage and overtime compensation requirements.
- D. **Full-Day Increments.** Full-day increments refer to the entire scheduled day and not a "day of leave" as defined in Policy GCC, Leave Program.
- E. **Half-Day Increments.** Half-day increments refer to one-half (1/2) of an employee's scheduled day and not a "day of leave."
- F. **Hours Worked.**
1. **General.** Non-exempt employees who work more than the maximum allowable hours in a workweek must receive either overtime pay or compensatory time for their excess hours worked. Paid or unpaid time off during which the employee is absent from the service of the Division shall not be counted as "hours" or "time" worked in determining if the maximum allowable number of hours has been exceeded. Such absences include, but are not limited to, holiday, sick, annual, and compensatory leaves, leaves of absence, meal breaks, and building closures.
 2. **Breaks.** FLSA does not require rest breaks or meal periods. However, supervisors should allow all employees time to attend to health and hygiene needs. Supervisors may designate specific times for break and meal periods. Principals/department heads may establish location-wide standards to ensure efficient operations and service. Non-exempt employee breaks longer than 20 minutes are not compensable as time worked as long as no work is performed and the employee is free to leave his/her post.

3. **Travel Time.** When non-exempt employees are required to work outside of Division facilities, the hours involved in the actual travel, as well as the hours working, shall be considered time worked. Employees shall report this time to their supervisors, using procedures established for that purpose. Ordinary travel/commute between an employee's home and work shall not be considered hours worked, unless approved as hours worked by Human Resources.
- G. Leaving Premises During the Work Day.** Employees shall not leave school premises during the established hours of employment without the permission of the principal/designee. Schools/department may establish their own sign-out/notification procedures for employees leaving the premises during the workday.
- H. Maximum Allowable Hours.** A non-exempt employee must be compensated for overtime once the employee has exceeded the maximum allowable hours, which is 40 hours within the workweek.
- I. Non-exempt Employees.** Employees who are subject to the FLSA's overtime and compensatory time leave requirements are considered non-exempt.
- J. Overtime.** This is time that non-exempt employees physically work in excess of the maximum allowable hours per workweek. The Division must compensate an eligible employee for time worked in excess of the maximum allowable hours by making monetary payment at one and one-half (1.5) times the employee's regular rate of pay for each hour or portion thereof worked or by granting compensatory time leave at the rate of one and one-half (1.5) times for each hour or portion thereof worked.
- K. Pay by Exception.** The Division operates on a "pay by exception" system. Each regular employee has a designated number of hours per fiscal year the employee has been allocated as part of the Division's annual staffing plan. The annual hours are divided equally in the number of established pay cycles. The payroll system will pay this amount automatically unless the employee and supervisor submit adjustments to the base weekly hours such as overtime or leave without pay.
- L. Premium Pay.** This refers to additional compensation, exclusive of overtime, non-exempt employees may receive as an incentive for specific types of work, i.e. shift differentials.
- M. Regular Schedule.** All regular employees have a designated schedule each workweek based upon the base weekly hours. Changes to a non-exempt employee's regular schedule that impact the base weekly hours may cause changes to the employee's pay such as overtime or leave without pay.
- N. Straight Time.** This is a non-exempt employee's non-overtime work compensated at the employee's hourly rate.
- O. Work Schedules.** The principal/department head/designee is responsible for establishing employee work schedules, including allowances for breaks and meal periods.

- P. **Workweek.** The Superintendent has established the official workweek as seven (7) days extending from Saturday at 12:01 a.m. to Friday at 12 midnight.

II. TRACKING TIME AND PAY ADJUSTMENTS

A. Non-exempt Employees

1. **Time Recording** – These employees are paid for time worked on an hourly (or portion thereof) basis. All non-exempt employees must complete and submit, in a timely manner, accurate data recording their hours worked and leave taken. Failure to do so may result in disciplinary action in accordance with Board policy.
2. **Increments** - Rounding rules up or down to the quarter-hour will be established for Division-wide consistency. Schools/departments may set reasonable expectations for adherence to work schedules. An employee may be counseled or disciplined for tardiness; however, pay will follow the rounding rules.
3. **Reductions in Pay** – In the Division’s pay by exception system, when an employee misses work in the workweek and has insufficient leave to make up the variance from base weekly hours, non-exempt employees will be docked pay for that workweek in 15-minute increments. Employees may also be docked pay for disciplinary purposes in accordance with Board policy.

B. Exempt Employees

1. **Time Recording** - These employees are expected to follow established procedures and policies for exempt employee time tracking and leave submission. Failure to do so may result in disciplinary action in accordance with Board policy.
2. **Increments** - Exempt employees are compensated on a salary basis. The salary may be calculated on a daily or weekly basis depending on the position. Exempt employees are not paid based upon time actually worked.
3. **Reductions in Pay**
 - a. **Teachers** – These employees have a contract for a specific number of days of work, but may be docked pay in accordance with FLSA, the Family Medical Leave Act (“FMLA”), Workers’ Compensation laws, and other applicable laws. When a benefits-eligible teacher does not have sufficient leave to cover the missed work, pay may be docked in full-day increments. Benefits-ineligible teachers may have pay docked in full-day increments when a day of work is missed. For employees whose work schedules change from week to week, pay will be docked based on the time missed on the day of the absence.
 - b. **Employees Other Than Teachers** – These employees may be docked pay in accordance with FLSA, FMLA, Workers’ Compensation laws, and other

applicable laws. Generally, pay may be docked for partial weeks worked during the first and last weeks of employment and situations where a benefits-eligible employee has insufficient leave accrued or chooses to take leave without pay. Pay must be docked in full-day increments, excluding exceptions permitted under law. Benefits- ineligible employees may not be docked pay when work is performed in the workweek unless permitted by law. Supervisors may require any exempt employees to make up missed work in another workweek.

- c. Discipline – Any exempt employee may be docked pay in full-day increments for disciplinary purposes in accordance with Board policy.

III. OVERTIME PAY AND COMPENSATORY TIME LEAVE

A. Eligibility to Earn Overtime/Compensatory Time Leave

1. Non-exempt Employees. Unless excluded by the FLSA, all non-exempt regular employees of the Division who work in excess of 40 hours within a workweek are eligible to receive overtime pay and/or compensatory time leave. Temporary employees are not eligible to receive compensatory time leave, but are eligible to receive overtime pay.
2. Exempt Employees. Exempt employees are not eligible to earn overtime, whether as monetary payment or compensatory time leave. However, this does not preclude principals/department heads from using their discretion to grant time off to exempt employees in recognition of time worked beyond normal work schedules.

B. Calculation of Overtime/Compensatory Time Leave

All non-exempt employees are to be compensated for overtime. This compensation may be monetary or through the accrual of compensatory time leave. Time is calculated based on the entire workweek and not on a daily basis. Overtime is not earned until 40 hours have been physically worked in the workweek. Calculation of overtime/compensatory time leave shall be as follows:

1. Overtime. All non-exempt employees who physically work over 40 hours within the workweek are to be paid overtime pay.
2. Compensatory Time Leave. A non-exempt regular employee may be compensated at the rate of one and one-half (1.5) hours of compensatory time leave for each overtime hour worked instead of overtime pay referenced in B.1. The employee and supervisor must agree to compensatory time leave as compensation. If a supervisor is offering only compensatory time leave as payment, the employee must agree to accept compensatory time leave or be able to decline the additional work. Otherwise, overtime pay must be provided for required additional work. Temporary employees are not eligible for compensatory time leave in lieu of overtime pay.

3. Compensation for Additional Non-Overtime Work. When a non-exempt employee works more than his/her base weekly hours, but less than 40 hours, the employee must be paid his/her hourly rate (straight time) for those excess hours worked. Compensatory time leave may not be earned in this circumstance.
4. Dual Job Employees
 - a. **Two (2) or More Non-exempt Regular Positions:** Employees who have two (2) or more non-exempt regular positions contributing to overtime hours are eligible for both overtime pay and compensatory time leave. These employees may receive overtime pay at the blended overtime rate or earn compensatory leave time in accordance with paragraph B.2. above. Principals/department heads shall consult with Human Resources for guidance regarding the payment of overtime compensation to such employees.
 - b. **Exempt and Non-exempt Regular Positions:** The eligibility for overtime is determined by the primary position (the position with the highest part-time percentage). When the primary position is classified as non-exempt, all work performed in both positions contribute to the total hours for the workweek. When the primary position is classified as exempt, the employee is not eligible to earn overtime or compensatory time. The employee may receive straight time pay for hours worked in the workweek beyond the base weekly hours in the non-exempt position.
 - c. **Non-exempt Regular and Temporary Positions:** If a non-exempt regular employee also has time worked in a non-exempt temporary position during the workweek, all such time worked counts towards the maximum allowable hours. The supervisor of the regular position may deny the earning of compensatory time leave in lieu of overtime pay, regardless of which position(s) contributed to the overtime hours. If a supervisor denies compensatory time leave, overtime must be paid at the blended overtime rate.
 - d. **Non-exempt Regular Employees Working Exempt Temporary Positions:** As long as the exempt temporary position is occasional and sporadic, the hours worked in the temporary position do not count towards the maximum allowable hours. Supervisors of temporary positions shall contact Human Resources before scheduling any non-exempt regular employee for exempt work.

C. Compensatory Time Leave Payouts

1. Maximum Balances: Eligible non-exempt employees may accrue up to 100 hours of compensatory time leave.
2. Job Changes: Upon termination of regular employment, non-exempt employees shall be paid for unused compensatory time leave. A non-exempt employee who is

transferring to another department or who is changing from a non-exempt position to an exempt position shall be paid for the unused compensatory time leave balance or reach an agreement with the current department head to use any accumulated compensatory time leave prior to the effective date of the change. The employee's compensatory time leave balance must be zero (0) prior to the starting date for the new position.

3. Compensatory Time Leave Payout Requests:

- a. Principals/department heads may offer periodically partial or full payouts of accrued compensatory time leave. Fair practices must be established to provide equal access to all eligible non-exempt employees. Principals/department heads may not make payouts under the maximum compensatory time leave balance without employee approval.
- b. Employees may request partial or full payouts of accrued compensatory time leave. Payouts are subject to principal/department head approval and budgetary considerations. Principals/department heads may set fair and consistent limits.

4. Compensatory Time Leave Payout Rate.

- a. During Employment: When it is paid during the course of employment, compensatory time leave will be paid at the employee's current regular rate.
- b. Upon Termination: When it is paid upon termination of employment, compensatory time leave will be paid at a rate of compensation not less than:
 - i. the average regular rate the employee received during the last 3 years of employment; or
 - ii. the employee's final regular rate, whichever is higher.

D. Employer Responsibilities

1. Managing the Accrual of Overtime. Principals/department heads/designees may require that employees work additional time or overtime to meet the needs of the school/department. They are also responsible for managing non-exempt employees' hours worked whenever possible within the designated workweek to avoid overtime. If an employee works more than the designated work hours in a day, the employee's supervisor may adjust the employee's work schedule for that workweek by the amount of the excess time worked to avoid the accrual of overtime.

The Division will compensate an employee for any time worked in excess of the employee's base weekly hours. However, an employee may be disciplined for working unapproved hours.

2. Availability of Funds. Principals/department heads/designees shall ensure that adequate funds are available to pay required overtime compensation and compensatory time leave payouts.
3. Scheduling Compensatory Time Leave. (See Policy GCC, Leave Program)
4. Recordkeeping. Principals/department heads/designees shall ensure that all non-exempt employees complete and submit, on a timely basis, accurate data recording their hours worked and leave taken. They shall also ensure that exempt staff submit timely and accurate leave records.

E. Employee Responsibilities

Authorization for Overtime. Non-exempt employees may work additional time beyond their scheduled hours only with prior authorization from their supervisors. Failure to do so may result in disciplinary action in accordance with Board policy.

IV. ON-CALL AND CALL-BACK COMPENSATION

A. On-Call Compensation

1. Purpose. Employees may be required to be available to return to work or “on-call” during a scheduled period. On-call periods have been established as 12-hour periods for the entire Division. Principals/department heads/designees may schedule employees to be on-call for shorter periods based on business needs.
2. Compensation and Eligibility. A temporary or regular non-exempt employee on-call will be paid a flat fee equal to one and a quarter (1.25) of the employee’s hourly pay rate for each 12-hour on-call period. When an on-call period less than 12 hours has been designated, an employee will still receive one unit of on-call pay for the period. Periods of on-call are not time worked and do not count towards the maximum allowable hours.

For example, an employee who makes \$10.00/hour and is on-call for a designated eight (8)-hour shift would receive \$12.50 for one on-call period. If the on-call shift was 13 to 24 hours, the employee would receive \$25.00 for two (2) on-call periods.

Time spent by non-exempt employees on-duty while on-call are to be compensated for such time as time worked. Whether the FLSA considers an employee to be “on-duty” while on-call depends on a number of circumstances, including, but not limited to, being required to remain on the employer’s premises and being restricted from using on-call time effectively for personal purposes.

Exempt employees are not eligible to receive on-call compensation.

3. Condition to Work. Employees who are “off-duty”, but on-call, must remain in a work-appropriate condition. This includes, but is not limited to, refraining from consuming substances that impair or compromised an employee’s ability to work.
4. School/Departmental Expectations. Schools/departments may develop on-call guidelines and expectations for employees for “off-duty” on-call time based on departmental needs. Principals/department heads must submit their proposed guidelines to Human Resources for approval to ensure that they meet all applicable legal and policy requirements.

On-call compensation will be authorized only if the on-call service meets all the following criteria:

- a. Service must be mandated.
 - b. On-call employees are expected to respond promptly to calls, resulting in partially restricted personal time of on-call employees. Specific response time may vary depending on individual school/department requirements.
 - c. On-call employees will not be called if another employee is already on duty and available to perform the required services.
 - d. The school/department’s on-call guidelines have been approved by Human Resources and the Board Attorney.
5. Reporting to Work. While on-call, an employee may be contacted to report to work. An employee who is called in to work from on-call status is eligible for call-back compensation. The employee will also retain the on-call compensation in addition to wages for time worked.

B. Call-Back Compensation

1. Purpose. There may be times when supervisors may need employees to report back to work on short notice outside of the employee’s work schedule. Call-back status occurs when a principal/department head/designee requires a non-exempt employee to report back to work outside of the employee’s work schedule on less than 24 hours’ notice. Call-back is not hours worked beyond the schedule which require an employee to stay at work, rather than report back to work. Holdover time shall be compensated as straight time or overtime as applicable. Additionally, work schedule changes with more than 24 hours’ notice are not call-back hours. Whenever possible, supervisors should give notice to employees when the need for call-back may occur, such as for an anticipated snowstorm.
2. Eligibility. Any regular non-exempt employee who is called backed as described above by the principal/department head/designee shall be paid call-back compensation.

Temporary non-exempt employees who have regular work schedules which are changed via call-back are eligible. Temporary employees, including substitutes, who work on an

intermittent, occasional, or sporadic basis do not qualify for call-back pay when scheduled or called to work/accepting assignments with less than 24 hours' notice. While exempt employees may be called back to work with short notice, they are not eligible for call-back pay.

3. Condition to Work. Employees who are called back for work must report in a work-appropriate condition. If an employee is not in a condition to work, the employee must disclose that to the supervisor before reporting for duty.
4. Compensation. The call-back compensation rate is one and one-half (1.5) times the employee's regular hourly rate. If an employee exceeds the maximum allowable hours for the workweek, the employee will receive overtime pay instead of call-back pay. The employee may not receive both for the same hours worked. In lieu of receiving overtime pay, employees may receive compensatory time leave in accordance with the established procedures above.

Once an employee has been called back to work, the employee will be guaranteed a minimum of two (2) hours of call-back pay even if less than two (2) hours of work are performed. An employee will receive call-back pay for any hours worked. Ordinary travel/commute between an employee's home and work shall not be considered hours worked, unless approved as hours worked by Human Resources. Emergency travel time to a location other than the employee's regular place of business which requires travel of a substantial distance (more than the typical commute) is considered as hours worked. Only hours physically worked or call-back emergency travel time to work counts towards the maximum allowable hours. An employee called back to work from "on-call" status may keep the on-call pay in addition to call-back pay received. When work is completed, travel time home is not compensable as time worked.

If an essential personnel employee receives additional pay due to building closure, the employee is not eligible for call-back for the same hours worked.

V. HOLIDAY PAY

Please refer to Policy GCC, Leave Program, for information on pay for work performed on a holiday.

VI. SHIFT DIFFERENTIALS

When an employee is assigned to work evening/midnight shifts, a pay differential will be paid as follows:

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|----------------------------------|--|
| Evening: 4:00 p.m. – 12:00 a.m. | 4% of the pay grade's minimum salary for the position classification |
| Midnight: 12:00 a.m. – 8:00 a.m. | 5% of the pay grade's minimum salary for the position classification |

Employees must be assigned to a shift to be eligible for the differential. If an employee works a shift that encompasses day, evening, or midnight shifts, the differential will be paid based on the majority of hours worked in the respective shift. If an employee is part-time, the shift differential will be prorated.

VII. SHIFT DIFFERENTIALS (Replaces Section VI. Above effective with the implementation of the time and attendance system.)

Non-exempt temporary and regular employees may be regularly or periodically scheduled to work evening or midnight shifts and may receive premium pay for such work. When five (5) or more hours are physically worked in either shift, the employee will receive the following percentage of his/her hourly rate for each hour worked in the range:

Evening: 3:00 p.m. – 12:00 a.m. Five (5%) percent of the hourly rate premium pay

Midnight: 12:00 a.m. – 9:00 a.m. Six (6%) percent of the hourly rate premium pay

Shift differential premium pay will not be granted when less than five (5) hours of work are performed in the designated range. Although an employee may be regularly assigned to an evening or night shift, the shift premium will not be paid when paid leave is taken and the employee will not be charged the premium for leave without pay.

VIII. BUILDING CLOSURES DUE TO INCLEMENT WEATHER AND/OR EMERGENCY SITUATIONS

Employees may be required by their supervisors to report to work during building closure periods designated by the Superintendent/designee. Please refer to Policy GCQC, Coverage of Schools Due to Inclement Weather and/or Emergency, for more information. Compensation will be as follows:

A. Employees Required to Work

Any non-exempt regular employee who is required by the supervisor to work during building closure periods shall be deemed essential personnel and will be paid a premium equal to the employee's hourly rate for any time the employee works during the building closure period. This premium is in addition to the regular wages essential personnel earn for any time worked in accordance with this policy.

For example, if the building closure period is 6am-10am, the employee's work schedule is 8am-4pm, and the employee works 9am-4pm (no lunch break) the day of the closure as directed by the supervisor, the employee would receive one (1) hour of paid administrative leave due to building closure (8am-9am),

one (1) hour of essential personnel additional pay due to building closure (9am-10am), and seven (7) hours of pay for time worked (9am-4pm).

B. Employees Not Required to Work

Any non-exempt regular employee who chooses to work when not required to report to work will not receive additional pay due to a building closure, but will be compensated for time worked as straight time or overtime as applicable.

C. Self-sustaining Programs

Some self-sustaining program employees may be required to report for work on a regular or modified schedule when schools and/or departments are closed. These employees will be compensated for time worked at straight time or overtime as applicable. They are not eligible to receive additional pay due to building closures. Temporary employees working in self-sustaining departments are not eligible for additional pay for building closures or administrative leave for building closures.

VIII. FIELD TRIPS

When an employee is away from the school due to a field trip with students as part of his/her work duties with prior approval by the Principal/Department Head/Designee, such time shall be compensable as time worked.

IX. PROFESSIONAL LEARNING

See Policy GCLA, Professional Learning Time and Leave for more information on compensable work time for training and learning activities.

X. COURT APPEARANCES/HEARINGS

When employees are subpoenaed to appear as witnesses in legal proceedings or participate in hearings with other local, state, or federal agencies in their capacities as Division employees, the time spent in such work-related proceedings shall be compensable as time worked.

Employees who initiate or are otherwise involved in legal actions of any kind (excluding employee grievance proceedings) in their private capacity and not as a Division employee, whether such actions involve the Division or not, will not be permitted to treat such time as compensable work time. Leave may be requested in accordance with Policy GCC, Leave Program.

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