

POLICIES AND PROCEDURES FOR TIME AND ATTENDANCE FAIR LABOR STANDARDS ACT (FLSA)

POLICY SUMMARY

Since a 1986 court decision, the University has been subject to the provisions of FLSA and its subsequent amendments. Examples of FLSA provisions are:

- Definitions of employees who are non-exempt and subject to the provisions of FLSA, as well as those who are Exempt from the FLSA
- Definitions of workweek, hours of work, and overtime
- Definitions of the appropriate rate of compensation for non-exempt employees
- Accrual of compensatory time off banks and accrual limits
- Record keeping requirements
- Basis for policy and collective bargaining agreement language on overtime
- Penalties for willful violation of the Act

RELATED POLICIES, CONTRACT ARTICLES AND REFERENCES

A. Fair Labor Standards Act (FLSA)

<http://www.dol.gov/whd/flsa/index.htm>

FLSA 516 – Records to Be Kept by Employers

http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_516/toc.htm

B. US Department of Labor, Employment Standards Administration, Wage and Hour Division

Fact Sheet 21 – Recordkeeping Requirements under the FLSA

<http://www.dol.gov/whd/regs/compliance/whdfs21.pdf>

C. Personnel Policies for Staff Members (PPSM) – employees not covered by representation:

- [Absence from Work Policy](#)
- [PPSM 31 – Hours of Work](#)
- [PPSM 32 – Overtime \(Non-Exempt employees only\)](#)
- [PPSM 33 – Shift and Weekend Differential \(Non-Exempt employees only\)](#)

D. [Collective Bargaining Agreements](#)

CRITERIA

FLSA EXEMPTION DEFINITIONS

Each classification title has been designated as either non-exempt or exempt. The campus Title and Pay Plan(s) list the overtime exemption status code under the category **OES**. The code is listed as either **N** (Non-Exempt) or **E** (Exempt).

Non Exempt Employees

Employees who, based on duties performed and manner of compensation, shall be subject to all FLSA provisions. Non-Exempt employees are characterized by the following:

- Are treated as “hourly”, as defined by FLSA – compensation varies depending on the number of hours worked
- Receive overtime compensation or compensatory time off (CTO) per management discretion, collective bargaining or pursuant to CTO Agreement
- Required to record all time worked and leaves used on an hourly and fractional ($\frac{1}{4}$) hourly basis
- Leave balances for absences of less than a day are deducted and pay is subject to docking if leave balances are exhausted;
- Corrective action-suspensions without pay for periods of one day or more are permitted
- An employee with a work period of six (6) continuous hours or more receives a one half-hour meal period
- An employee on a standard or alternate full-time work schedule is granted “two-15 minute” rest periods. Part-time employees may be granted 15 minute rest periods for each work period of three (3) continuous hours or more, not to exceed two rest periods a day
- Eligible for shift differential, on-call pay; call back time, pay for working on a holiday

Exempt Employees

Employees who, based on duties performed and manner of compensation, shall be exempt from the FLSA minimum wage and overtime provisions. Exempt employees are characterized by the following:

- Are treated as “salaried”, as defined by FLSA – paid an established monthly or annual salary
- Expected to fulfill the duties of their positions regardless of hours worked
- Not eligible to receive overtime compensation or compensatory time off
- Not required to adhere to strict time, record keeping, and attendance rules for pay purpose
- Leave balances for absences for less than a day are not deducted and pay is not subject to docking if leave balances are exhausted
- Corrective action – suspensions without pay are generally not permitted for less than one full work week