

THE UNIVERSITY OF MARY WASHINGTON

Fair Labor Standards Act @ UMW



Session Objectives

- Describe the FLSA rule changes;
- Discuss how the FLSA rules apply at UMW;
- Describe the implementation;
- Answer your questions.



FLSA establishes

- Overtime
- Minimum Wage
- Child Labor
- Equal Pay
- Recordkeeping



FLSA Rule:

- Establishes salary minimum & overtime standards
- Distinguishes between covered (non-exempt) and excluded (exempt) employees with a Duties Test
- Establishes overtime threshold (40 hr.)
- Specifies record-keeping requirements



What's new?

- Salary Threshold for Overtime
- Effective at UMW – November 10, 2016



Important to Note:

If you are
currently **exempt**
&
position remains **exempt**
(based on salary and duties)
you'll experience **no changes**.



Why the changes?

- Ensure fair compensation nationwide
- Improve work / life balance



2016 DOL Revisions

	Current	2016
Weekly	\$455	\$913
Annual	\$23,660	\$47,476

Effective date: December 1, 2016
Reviewed every 3 years – beginning in 2020



2016 DOL Revisions

Employees who make less than \$47,476 are non-exempt and earn overtime compensation for hours physically worked over 40 in a workweek.

Exception: Overtime does not apply if at least 50% of the job duties are teaching.



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UMW Standard Workweek



Monday @
12:01 am

Through Sunday @
midnight



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Types of Positions

Non-Exempt
Exempt



Non-Exempt Employees

- Salary less than \$47,476
- Regardless of assigned duties - unless the position requires 50% teaching
- Includes all wage employees and, now, some A/P Faculty
- Compensated at 1-1/2 times the employee's regular rate of pay for each hour worked over 40 in a workweek.



What does Salary mean?

- Predetermined amount of pay
- Paid each pay period
- Not subject to variation based on quantity or quality of work
- Few exceptions may apply



Non-Exempt Employees

If the employee is paid \$47,476 or more, but the position does not meet any of the Duties Tests, the position is non-exempt.



Exempt Positions

Excluded from FLSA if:

- Salary is more than \$47,476, **AND...**
- Position duties meets FLSA Duties Test

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Exempt Positions

Excluded from FLSA if:

- Salary is more than \$47,476, **AND...**
- Position duties meets FLSA Duties Test

In other words... If the salary is at / above the threshold, the duties 'make the decision'.

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Exempt or Non-Exempt?

Salary	Meets Duties Test	Exempt / Non-Exempt
Pay greater than or equal to \$47,476	Yes	Exempt
Pay greater than or equal to \$47,476	No	Non-Exempt
Pay less than \$47,476	Yes	Non-Exempt

Exempt vs. Non-Exempt

	Exempt	Non-Exempt
Salary	At least \$47,476	No threshold
Duties	Salary & duties	Salary & duties
Work Period	80 hours	40 hours
Overtime Pay / Leave	No – Paid for the job	Yes - Time & ½
Compensatory Leave / Time	Straight	Straight
Record Keeping	Leave Reporting	Hours Worked

OT vs Compensatory Leave

Physically Worked	Leave	Total	Breakdown		
			"Regular"	OT Leave or Pay	Compensatory Leave
40	0	40	40	0	0
40	8	48	40	0	8
48	0	48	40	8	0
32	8	40	40	0	0
32	16	48	40	0	8

What are the Duties Tests?

- Executive
- Administrative
- Learned or Creative Professional
- Computer Professional
- Highly Compensated

Remember...

Duties Test
alone

does not make you exempt.

You must meet the
Salary Threshold

first.



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Who makes the determination?

- Office of Human Resources
- Consultation with Supervisors



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How it works....



Tracking Hours

- Overtime compensation is based on hours physically worked within a workweek
- Does not include any leave
- Hours of work are tracked in MyTime
- All non-exempt employees punch in and out at the beginning and end of each day.



Overtime Hours Approval

Employees must have supervisor approval prior to working hours over 40 hours in a work week

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Overtime Hours Approval

- Supervisors must exercise control over work hours and approvals.
- Failure to obtain prior approval is a violation of policy and may result in disciplinary action
- All verifiable overtime hours will be paid

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Overtime Hours Approval

UMW Policy: E.3.2

- Overtime compensation is authorized only for exceptional requirements of an emergency or temporary nature
- Overtime for routine university or departmental requirements is prohibited

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Overtime Compensation

Types of overtime compensation

- Overtime Pay
- Overtime Leave (policy pending)

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Overtime Pay / Leave

	Overtime Pay	Overtime Leave
Based on time physically worked	Yes	Yes
More than 40 hours in a workweek	Yes	Yes
Paid 1 ½ times the regular rate of pay	Yes	Yes

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Overtime Leave

- Credited after the employee's hours worked exceeds 40 in the work week
- Paid out at rate of pay at time of payout
- Does not expire

University policy is pending.

What is “work?”

15 minutes or more in MyTime spent on:

- Primary duties
- Some travel
- Employer required training
- Break periods
- Travel meals
- Working lunch
- Restricted On Call
- Email & Texting

Depends on the facts...



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What don't I get paid for?

Hours spent on:

- Non-working lunch
- Unrestricted on-call
- Waiting to start work
- Some travel
- Email & texting

Depends on the facts...



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Travel Time

Travel	Work Time	Paid
Home to work	No	No
Job site to job site	Yes	Yes
Home to another city	??	??
Overnight Travel	??	??

Meetings & Training

FLSA does not require overtime pay if ALL apply:

Held outside regular working hours, and;

Attendance is voluntary; and

Employee does no productive work during the meeting or training; and

Should not be directly related to the employee's job.

Breaks & Meals

	Is this work?	Is it paid?
Break less than 15 minutes	Yes	Yes
Meal periods 30 minutes or more Work not required	No	No
Meal periods 30 minutes or more Work required	Yes	Yes

Telework

Non-exempt employees may telework!

- Must have telework agreement
- Supervisor and employee must agree on what is work
- Employee punches in and out for periods of work
- Supervisor **may** adjust schedule in MyTime.

Tracking Time When Away

Includes Meetings, Travel, Training:

- Supervisor and employee must **first** agree on 'what is work'.
- Employee punches in and out for periods of work.
- Supervisor **may** adjust schedule in MyTime to reflect time away.
- Use the Kronos (MyTime) cell phone app!



Managing the Workweek



Schedule Adjustments

- Supervisor's discretion
- With supervisory approval employees may adjust their schedule to reduce or avoid overtime hours
- Adjustments must be made within the same workweek
- Plan ahead!



Tips: Communicate

- Discuss & plan work schedules
- What is approval?
 - Consider priorities
 - Committee work, group work, etc.
 - Texts / emails / social media
 - After hours assignments
 - Are there any preapproved emergencies?



Tips

- What about a practice run?
- Download Kronos (MyTime) app for cell phones
- Outlook reminders to punch in and punch out
- Take advantage of MyTime training
- Supervisors and employees plan a mid-week check on hours worked in MyTime
- Any others?



May non-exempt employees:

- Volunteer to work off the clock?
- Waive rights to overtime?
- Be required not to enter work hours in MyTime?
- Track hours “off the record”?
- Work at home without supervisor’s approval?
- Work overtime without approval?



No!



Non-exempt employees may not:

- Volunteer off the clock.
- Waive rights to overtime.
- Be required not to enter work hours in MyTime.
- Not report hours of work in MyTime.
- Work at home without supervisor's approval.
- Work overtime without approval.



What if I have questions?

- Ask your supervisor;
- Contact HR for a confidential consult; and / or
- Contact Payroll by putting in a HelpDesk ticket for MyTime questions.



FLSA Rollout @ UMW



UMW Compliance

1. Supervisors will manage overtime hours
2. Employees will be compensated for overtime hours
3. There will be no salary adjustments to meet the new salary threshold



Employees will be notified

HR will provide a notice in writing to all employees whose positions are impacted by the new FLSA rule



A/P Faculty Change

All A/P Faculty will report leave in quarter hour increments in place of days and ½ days



Timeline

Position reviews:	Ongoing
Information sessions:	Aug. – Sept.
Division meetings:	Aug. – Sept.
MyTime Training:	Begins Oct.
UMW effective date:	Nov. 10



Division Meeting Dates

Administration & Finance	September See separate slide
Advancement & University Relations	August 9, 8:30 – 10:00 Minor Board Room
Chief of Staff / President	October 4, 10:30
Diversity & Inclusion	To be announced
Provost	September 8, 4:00
Student Affairs	August 30 & September 9 11:00 – 12:30 UC Colonnade Room



Admin / Finance Meetings

Facilities Services	October 4 Time TBA Physical Plant
Finance, Payroll, Procurement, TESS	September 26 2pm – 4pm Eagle Village
IT	HCC
Accounting, Budget, Student Accounts	September 23 9am – 11am Lee Hall



Quiz...session evaluation



Following up...

Open your Text Messaging application on your phone.

- Send a text message to:
37607
- Message:
PamLowery824



Your questions and tips



<http://adminfinance.umw.edu/hr/compensation/flsa-umw/>

FAQs

Resources

Ask a Question

Presentation Tips



