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.





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



Establishes salary minimum & overtime standards

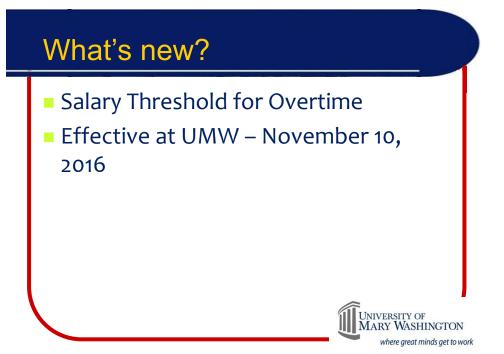
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- Distinguishes between covered (nonexempt) and excluded (exempt) employees with a Duties Test
- Establishes overtime threshold (40 hr.)

Specifies record-keeping requirements

2



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



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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		
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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.

UMW Standard Workweek

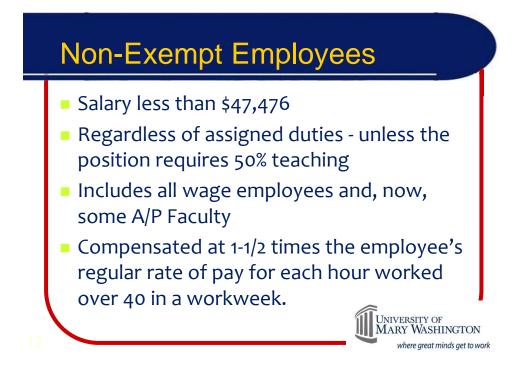


Monday @ 12:01 am Through Sunday @ midnight

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What does Salary mean?

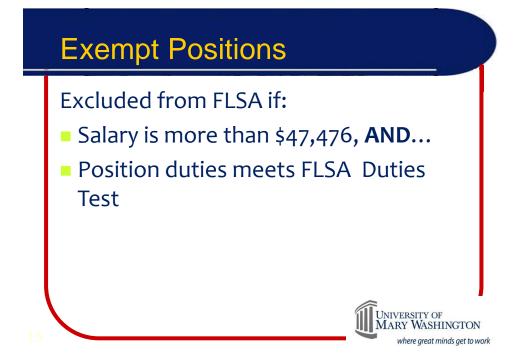
- Predetermined amount of pay
- Paid each pay period
- Not subject to variation based on quantity or quality of work
- Few exceptions may apply

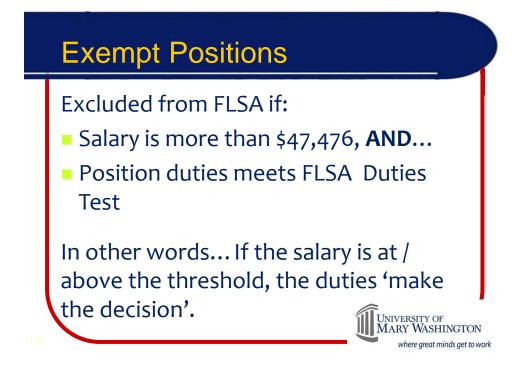


Non-Exempt Employees

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 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

1	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					
			Breakdown		
			"Regular"	OT Leave or Pay	Compensatory Leave
Physically Worked	Leave	Total			
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

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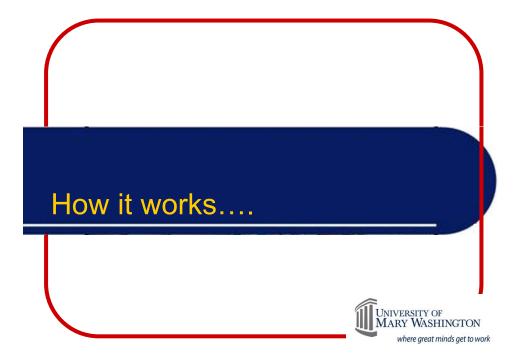
- Computer Professional
- Highly Compensated

Remember...

Duties Test alone does not make you exempt. You must meet the Salary Threshold first.

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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.

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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

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



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	

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.





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 <u>ALL</u> 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



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 <u>may</u> 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 <u>may</u> adjust schedule in MyTime to reflect time away.
- Use the Kronos (MyTime) cell phone app!





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!

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Tips: Communicate

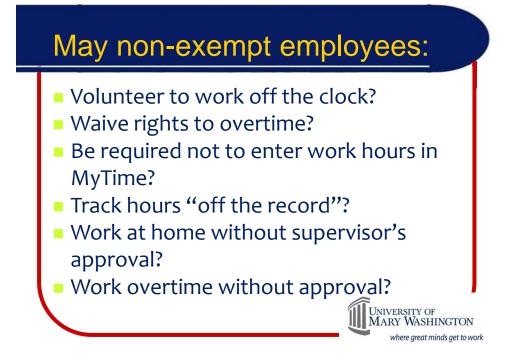
Discuss & plan work schedules

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

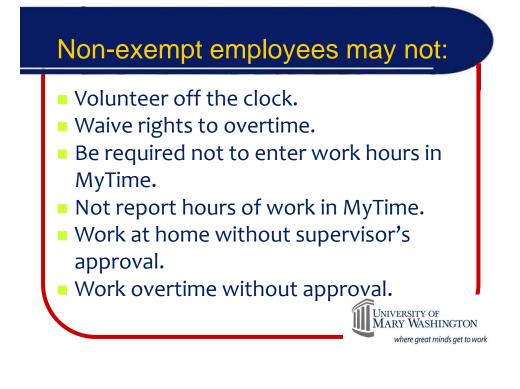
Tips

- 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 midweek check on hours worked in MyTime
- Any others?









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.







- 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

Ongoing
Aug. – Sept.
Aug. – Sept.
Begins Oct.
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
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Admin / Finance Meetings

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

Following up...

Open your Text Messaging application on your phone.

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

PamLowery824





