

FLSA FAQ's

1. What impact do these changes have on employees who currently work in exempt positions that will become non-exempt?

In order to comply with the law, we will convert positions for anyone in a job currently designated as "exempt" whose salary is below the \$47,476 minimum threshold to the designation as "non-exempt." There are some possible exceptions under the "academic administrative" exemptions. These are currently under review.

2. How will this impact non-exempt employees who work more than 40 hours in a workweek?

Employees whose jobs are designated as non-exempt, by law, are paid for all actual "working time" hours during the designated workweek. Employees whose jobs are designated as exempt by legal definition, are paid a salary for the job that is to be completed, with an expectation that he/she is working a minimum of 40 scheduled hours, regardless of the number of "working time" hours that may be required to get the job done within the designated workweek.

Therefore, a non-exempt employee who has working hours during the workweek in excess of 40 hours will receive an overtime premium of one and one half times their hourly rate paid as compensatory "time off" for all hours worked in excess of the 40. However, an exempt employee who works in excess of the 40 hours during the designated workweek is not entitled to overtime premium for those hours, either in salary or compensatory time off.

3. How much comp time can I earn?

Technically, unlimited. However, current policy states all overtime worked must be approved in advance by your immediate supervisor. UCO policy also caps the accrual or banking of comp time to 80 hours. Therefore, an employee would need to take time off to reduce his/her comp time balance before working additional overtime.

4. When can I take my comp time?

You can schedule comp time like vacation. Per policy, comp time is to be used before vacation and must be permitted on the date you request unless the time off would "unduly disrupt" the operations of your area. Use of comp time can also be assigned by a supervisor. Example: You are needed to work extra hours during a heavy enrollment period. The department can then assign time off in the following weeks, or month to give you the time off you earned.

5. Don't you have to pay me overtime?

Public universities are allowed to pay with comp time instead of overtime "dollars", since we establish that relationship with you through policy when you are hired.

However, if you accrue a lot of comp time and the department is not able to give you time off, then management can choose to pay you for your comp time to reduce the balance.

Beyond this, if you and your supervisor agree to pay you overtime instead of comp time *BEFORE* work is performed, then you can receive overtime pay instead of accruing comp time for that assignment. Otherwise, all overtime is compensated with comp time.

6. Do I have to take my comp time? Can't I just let it accrue like vacation?

Comp time nor vacation are intended to be saved as a way to bank income. They are both financial liabilities to UCO, and therefore should be taken on a regular and consistent basis. Your supervisor should be encouraging you to schedule and take earned time to keep balances within reason.

7. Are there additional concerns regarding implementation of the new laws?

The intent of the law is a good one, ensuring a fair day's pay for a day worked. However, there are administrative challenges to complying with the law. As was already mentioned, there are challenges unique to higher education that make determining how to comply more difficult. As we learn more, we will continue to work towards determining what is appropriate to ensure compliance.

8. Are faculty excluded from these changes?

Yes. Under the FLSA, employees are not subject to the salary minimum if their primary duty is teaching, tutoring, instructing, or lecturing, and if they are employed and engaged in this activity as a teacher in an educational establishment (i.e., UCO).

9. As a non-exempt employee, can I still work early or late? Can I check emails from home?

Non-exempt employees can make arrangements and obtain approval from their supervisor to work from home, to check messages at night or to change their daily schedules to different hours. However, all time worked must be accounted for and recorded as time worked. All overtime and any alternative work arrangements must be approved in advance by the employee's direct supervisor.

10. I routinely travel on business. Do I need to track ALL my travel time?

Not all time "away" is considered working time. This [DOL fact sheet](#) may answer some of the most common travel time questions.

11. Can I still adjunct as a non-exempt employee?

Yes, see the [Adjunct Instructor as a Secondary Job](#) policy for more information or contact HR at hr@uco.edu.

12. Is there any additional information that UCO employees need to know about the changes?

Employees whose jobs, due to this new regulation, are converted from an “exempt” designation to a “non-exempt” designation, and work overtime in the performance of their duties, will rightfully receive compensatory time-off, at a rate of one and one-half times their hourly pay rate for every overtime hour worked. While keeping accurate records of worktime may be perceived as a nuisance, in fact, this is clearly advantageous to the employee, and is compliant with and in the spirit and intent the law.

FLSA classification of exempt or non-exempt refers to a legal designation of the employee’s job, and in no way refers to the *value* placed on an employee by UCO. All employees, whether staff, faculty, or student, are critical to the operations of the University. If not for the talent each brings to the campus every day, UCO could not fully realize its purpose of serving students. Regardless of a job’s FLSA designation, every employee is equally valued no matter what their job, no matter how much salary they earn. Each is valued for the important contribution made every day to make UCO successful.

13. What are some other considerations for employees changing from salaried to hourly?

- Employees must accurately track hours worked, and report through timesheets.
- For all hours worked over 40 in a workweek, employees will now be eligible for overtime – UCO practice is to compensate in the form of compensatory (comp) time.
- Some of the employees reclassified will no longer be required to participate in Oklahoma Teachers’ Retirement (OTRS). “Who” will be determined by OTRS guidelines that are now being reviewed, and will be announced soon.

14. What do those who supervise reclassified employees need to know?

- Supervisors will receive a list of employees expected to be changed within the next few weeks.
- If you don’t already do so, you will now need to timely approve timesheets for non-exempt, hourly employees under your direct supervision to certify accurate reporting of time worked, and any associated comp time. This complies with UCO’s expectation that **you** are responsible for legally attesting to time worked (accurate in/out, lunches, overtime worked, etc.) NOTE: Timekeepers cannot be held accountable for approving timesheets, unless they are directly monitoring the work time of your employees. If that

is the case, they (timekeepers) will most likely be the one to attest to time worked if ever legally challenged.

- Supervisors can start evaluating current work flow and processes now, to include having your employees start tracking their time to help with your review.
 - If more than 40 hours is being worked, you will need to determine if duties can shift to balance out the work (and if so, how this may impact job descriptions).
 - How you will go about *regularly* scheduling the use of comp time to keep it from accruing beyond 80 hours (current policy)?
 - How you will accommodate employees' requests to take comp time when they want to take it?
 - Need to manage comp time balances to ensure employees **take** comp time, and vacation for that matter, (even though they don't ask) to minimize financial liability to your budget.
 - If giving the time off is a scheduling issue, then what kind of impact does simply paying the overtime hours have on your budget?

If you have additional questions about the changes, please email the transition team at HR@uco.edu.