**FLSA Overtime Regulations Effective December 1, 2016**

*Frequently Asked Questions for supervisors who have employees once classified as exempt who will be nonexempt as of December 1, 2016.*

1. What is the Fair Labor Standards Act (FLSA)?

   The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. It requires overtime compensation (at time and one-half) for all hours worked over 40 hours in a week for nonexempt employees.

2. What has changed with the FLSA?

   The new U.S. Department of Labor (DOL) regulations (“Final Rule”) have made several changes to the FLSA. The most significant change is that the minimum salary for an employee to be designated as exempt (not eligible for overtime pay) has been raised from $23,660 per year ($455 per week) to $47,476 per year ($913 per week).

3. What will change for me?

   You will now be classified as a nonexempt employee because your salary falls below the new salary threshold, your position did not pass an FLSA exemption test, or your position falls within a UVU grade that has been reclassified as nonexempt. This means you can now earn overtime or compensatory time at a rate of time and one-half for all hours worked over 40 hours in a workweek (Saturday – Friday). This change in status is simply a difference in the timekeeping and payroll process. Beginning December 1, 2016, you will need to accurately track and record all time worked, including overtime/compensatory time, not just leave taken.

4. When will the FLSA changes take effect?

   The updated regulations go into effect on December 1, 2016. Your position will become nonexempt beginning with the pay period that includes December 1, 2016.

5. Is this a demotion? I thought an exempt status was for professional employees like me?

   No. In this case, the change in FLSA status refers only to the way your pay is calculated, not the level or professional nature of the work that you are doing. It is a difference in the timekeeping and payroll process and will ensure you are paid at time and one-half correctly for all hours worked over 40 in a week.
6. **Does overtime have to be authorized by my supervisor prior to me working over 40 hours in a given week?**

   Yes, any overtime must be pre-approved by your supervisor. If you do not request approval from your supervisor and work overtime, you will be paid for that overtime, but it is a violation of policy and may result in disciplinary action.

7. **If I work more than my scheduled hours, or I work at home without prior authorization, will I still be paid for these hours?**

   Yes, if you work without authorization, or do not receive prior permission to work overtime, federal law requires that you must still be paid for these hours. However, your supervisor may initiate disciplinary action against you if you do not obtain prior authorization.

8. **Will changing from exempt to nonexempt affect my leave accrual?**

   Yes. Your leave accrual will be adjusted as stated in UVU Policy 361. However, you will receive an additional three Personal Leave days for leave year 2017, which will be added to your Personal Leave balance on January 1, 2017, which, like other personal days, will not remain in your leave bank if you do not use them by the end of 2017. You will also be required to report all of your hours worked and any leave taken each week.

9. **What will the impact of changing from exempt to nonexempt have on my benefits?**

   Changing from exempt to nonexempt will not affect your benefits in any way other than your leave accrual.

10. **What is different about tracking hours for a nonexempt employee?**

    Under the FLSA, all time worked must be reported. It is your responsibility to account and record your time worked accurately and honestly each day.

11. **Can I work in adjunct or wage positions if my primary position is classified as nonexempt?**

    In accordance with UVU policy, nonexempt employees will not be allowed to teach as an adjunct instructor. However, nonexempt employees, with appropriate supervisor approval, may be authorized for overtime work other than adjunct teaching within their department/division, and, in exceptional circumstances that are in the best interest of the university, in another university division. Authorization for overtime work in another division requires prior authorization by the employee’s immediate supervisor and the executive leaders of both the employee and the division in which the overtime work will be performed. Information and forms related to these additional overtime assignments are available through Human Resources.
12. What happens if my supervisor and I miss the deadline to submit my timesheet?

If both you and your supervisor miss the deadline to submit your timesheet, Payroll will notify you by email and/or phone. You will be asked to submit your time before the Payroll run begins. If your hours worked are not submitted, Payroll will then use any applicable leave to fill in 40 hours of time for the work week so that your salary to be paid out correctly. If leave is not available, Payroll will default to leave without pay. Once you submit the time for the missed pay period, Payroll will return the leave taken and/or correct your pay on the next pay date.

13. Does annual leave, personal leave, and sick leave taken count towards hours worked during the workweek for the overtime requirement?

No. The FLSA requires employers to pay nonexempt employees time and one-half of their regular rate of pay for all hours worked over 40 in a workweek. Annual leave, personal leave, and sick leave hours are not actually “worked” and are therefore not considered as hours counted towards time and one-half overtime under FLSA.

14. Can I choose between overtime pay and compensatory time leave?

The system will default to providing you with compensatory time first, but this can be changed in consultation with your supervisor.

15. Where can I find more information about the changes to FLSA?

UVU Human Resources has created a website to inform campus of the University’s efforts to comply with the new federal regulations and provide information regarding this transition. The website is www.uvu.edu/hr/compensation/flsa.html.

For any additional questions, please contact our HR Compensation Team:

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