

# FLSA SUPERVISOR/EMPLOYEE TRAINING



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# OBJECTIVES & KEYPOINTS

- ❖ FLSA CHANGES 2025 – What is it?
- ❖ Reporting time worked – Recordkeeping
- ❖ ON CALL WORK
- ❖ Required Breaks
- ❖ Travel Time
- ❖ Working at Home
- ❖ Landmines to avoid
- ❖ Overtime pay/Comp time
- ❖ Management Enforcement



# Who the training is designed for...

- ❖ Employees who received an email stating that you are now eligible for overtime/compensatory pay.
- ❖ Managers/Supervisors who have employees that received email stating that they are now eligible for overtime/compensatory pay.
- ❖ Managers/Supervisors who have never managed employees who are eligible for overtime/comp time at Marshall University.
- ❖ Employees who have never completed a paper time sheet at Marshall University.

# What Changed

- ❖ This change doesn't affect your benefits
- ❖ This change doesn't affect your employment
- ❖ This change doesn't affect your seniority
- ❖ This change doesn't affect your MU career

## **ONE MAJOR CHANGE**

- ❖ This change makes MORE employees eligible to be compensated for additional hours worked above 40 hours in the work week. (37.5 for Marshall)

# DOL VIDEO – “SUMMARY”

**FINAL RULE**  
JANUARY 1<sup>ST</sup> 2025  
salaried workers who make less than  
**\$58,656**  
per year  
**OVERTIME ELIGIBLE**

# FAIR LABOR STANDARDS ACT (FLSA)

- ❖ FLSA - First enacted in 1938, established tests that must be met in order for an employee to be exempt from overtime pay eligibility.
- ❖ Tests/Rules for classifying covered employees as “exempt” or “nonexempt”
- ❖ Requires overtime compensation to **nonexempt** employees for all hours over 40 in a workweek
  - ❖ Usually 1.5 times regular pay rate – Government Agencies can award Compensatory Time.



# PROVIDES COVERAGE TO ALMOST ALL EMPLOYEES IN THE USA

- ❖ Millions of workers are “**covered**” by FLSA
- ❖ More white collar jobs



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Supervisor and Employee FLSA Training

# EMPLOYEE CLASSIFICATIONS **NOT** AFFECTED BY THE CHANGE

- ❖ **Teaching Faculty** (Adjuncts, Full Time, Tenured, Instructional)
- ❖ **Graduate Assistants** (Graduate Teaching Assistant)
- ❖ **Resident Assistants**
- ❖ **Research Assistants**
- ❖ **Postdoctoral Fellows** (Primary Teaching Duties Only)
- ❖ **Faculty Coach** (coaches who only recruit are affected)
- ❖ **Nonexempt employees** (Hourly Employees)

**BUSINESS AS USUAL**



# Compensable "ON CALL" WORK

- ❖ Work performed that prevents the employee from using the time effectively for his or her own purposes.
- ❖ Time is controlled by the employer.
- ❖ Employee has to stay so close to the employer's premises that the employee can't use that time effectively for his or her own purposes.

# NON-Compensable "ON CALL" WORK

- ❖ On-call time is not hours worked when the employee is required to carry a cell phone.
- ❖ When the employee is required to leave work as the where he/she can be reached.
- ❖ When the employee is able to use the time effectively for their own purposes.



# Meal and Break periods

- ❖ Meal periods are **not** hours worked when employee is relieved of duties for purpose of eating meal.
- ❖ Non-exempt employees who work through meal period must be compensated.
- ❖ Employees who work through lunch without supervisor approval may be subject to disciplinary action.



# Meal and Break periods

- ❖ Breaks/rest periods (normally 15 minutes) are counted as hours worked and must be paid.
- ❖ MU allows two (2) 15 minute breaks and a 30 minute meal period for a 8-hour shift.
- ❖ Some departments combine meal and breaks for a 1 hour lunch.
- ❖ Time not used for rest periods shall not be accumulated and used at later date.



# Training Time can be worked hours

- ❖ Time employees spend in lectures, seminars, and training is considered hours.
- ❖ Training hours must be paid, unless attendance is voluntary.

# TRAVEL TIME

- ❖ Regular/Routine home to work travel is not work time
- ❖ Travel between job sites during normal work day is work time.
- ❖ Travel that keeps non-exempt employee away from home overnight is work time when the employee actually performs work.
- ❖ Time spent as passenger on any mode of transportation is not work time, unless the employee actually performs work during that time or its during the employee's normal work day.
- ❖ Employee who is required to drive is compensated for all travel hours.



# Working at HOME

Non-exempt employees must be compensated for all hours worked.

Examples:

- ❖ Responding to email messages before/after work. Returning/making phone calls before/after work.
- ❖ Employees who work at home or through the use of technology without approval, may be subject to disciplinary action.

# OVERTIME vs COMP TIME

- ❖ Non-exempt employees are eligible for additional pay or compensatory time for all hours worked over 37.5 in a work week.
- ❖ Hours worked between 37.5 and 40 in the work week will be paid or awarded compensatory time at 1.0 times your hourly rate.
- ❖ Hours worked over 40 in the work week will be paid or awarded compensatory time at 1.5 times your hourly rate.(plus AEI)
- ❖ Non-exempt employees are not authorized to work overtime without Vice President approval.
- ❖ Non-exempt employees who work overtime without approval, must be compensated for time worked and may be subject to disciplinary action





# Compensatory Time

- ❖ Employee's option to receive overtime or comp time pay based on available budget and VP Approval.
- ❖ Comp time is the practice of giving employees paid time off that can be used in the future in lieu of paying overtime.
- ❖ Compensatory time will be earned at the rate of one and one-half hours for each full hour worked in excess of forty (40) hours per week. Otherwise, non-exempt employees will earn straight time (1.0) for hours worked between 37.5 and 40.
- ❖ Any comp time hours work that results in the excess of forty (40) hours when a holiday or any leave taken is included in the work week, straight time will be earned.



# COMP TIME RULES

- ❖ Will expire after 1 year from date earned
- ❖ Supervisors must provide opportunities for employee to use comp time unless it will unduly disrupt department operations.
- ❖ Compensatory time may not be earned in less than fifteen (15) minute increments and must be earned before it can be used.
- ❖ When an employee uses and is paid for earned compensatory time, he or she shall be paid at his or her current rate of pay.
- ❖ Compensatory time may be used in lieu of sick leave.
- ❖ Compensatory time may be used in lieu of annual leave.
- ❖ See WV State Code 18B-7-10



# THE WORK WEEK

- ❖ The work week is 7 consecutive 24 hour periods (168 hours)
- ❖ The work week starts at 12:01am on Saturday morning and ends Friday night at midnight.



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# REPORTING HOURS WORKED

- ❖ Electronic Timesheet in TCP
- ❖ Must be completed and approved each pay period before the Monday deadline.
- ❖ Must be submitted on time or there will be a delay in your pay.
- ❖ Instructions posted on website.
- ❖ Must include any approved compensatory time or overtime hours.



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# Exempt vs Non-Exempt pay periods

- ❖ As an exempt employee, you were being paid a set annual salary even though you might have worked more than 37.5 hours each week.
- ❖ Annual salary is divided by 26 to determine each pay period's pay and doesn't account for the additional hours that you work.
- ❖ With the transition to a non-exempt status, all full-time non-exempt employees will be paid based on the hours worked. Includes all hours worked, paid leave taken, and holidays.



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# MANAGING OVERTIME

- ❖ Rearrange Time – Flexible scheduling within the same work week.
  - ❖ Delay start times
  - ❖ Extend stop time
- ❖ Planned work scheduling – Adjusting employees work week in advance.
- ❖ On Call – Rotations
- ❖ Floating employees during peak times
  - ❖ Shared Services
  - ❖ Temporary Assistance

# Landmines to avoid

- ❖ Failure to pay employees for all hours “suffered or permitted” to work
- ❖ Manage meal periods
- ❖ Manage employees coming to work early, leaving late, working from home, checking email, etc.
- ❖ Make sure employees are reporting all hours and completing time cards correctly
- ❖ Employees can’t waive their rights to comp/overtime
- ❖ Non-exempt employee teaching adjunct



# QUESTIONS

