2016 FLSA Update and Implementation FAQs

Benefits

How do the updated regulations impact annual and sick leave for professional non-exempt employees?

Professional non-exempt employees who stay in their current positions will continue to accrue annual and sick leave at the same rate they did when they were classified as exempt employees. View the Professional Non-Exempt Benefits Matrix for more details.

How do the updated regulations impact retirement benefits for professional non-exempt employees?

Professional non-exempt employees who stay in their current positions will continue to receive the same retirement benefits they did when they were classified as exempt employees. View the Professional Non-Exempt Benefits Matrix for more details.

Do the updated FLSA regulations impact employees’ football tickets?

Professional non-exempt employees who stay in their current positions will continue to be able to purchase football tickets the same way they did when they were classified as exempt employees.

Implementation/New Hires

Do these changes apply to all full-time employees who make less than $47,476 a year or $913 a week?

The FLSA regulations include some exceptions that allow employees making below the salary level to be classified as exempt. Examples include teachers, lawyers and doctors.
Human Resources has carefully evaluated all positions that fall below the updated FLSA salary guidelines.

**Do these changes apply to students?**

Students who are employed by UA as Graduate Teaching Assistants, Graduate Research Assistants and Resident Advisors are exempt from FLSA regulations. Other student workers are already considered hourly employees.

**Will the titles of professional non-exempt employees change?**

Efforts will be made to maintain current job classifications (titles); however, there may be some situations where changes are necessary.

**Can employees or supervisors choose whether positions are classified as exempt or professional non-exempt?**

No. HR makes those decisions based on FLSA regulations.

**How many UA employees are covered by the updated FLSA regulations?**

Approximately 600 UA employees may be covered by the updated 2016 FLSA guidelines.

**Will the 2016 FLSA regulations impact the number of hours professional non-exempt employees work per week?**

Supervisors should work with their designated fiscal officer(s) and departmental leadership to determine how overtime hours and costs will be managed for their areas.

**Will professional non-exempt employees still be paid monthly?**

Yes. Professional non-exempt employees will continue to be paid on a monthly basis but will have to record their hours worked using UA e-Time. The monthly paycheck will reflect only those hours recorded in UA e-Time.

**How is hourly pay determined?**
Hourly pay is determined by dividing annual base salary by annual regularly scheduled work hours.

Will departments increase budgets to pay overtime costs?

Each department will determine how overtime costs will be met.

Can professional non-exempt employees attend professional conferences?

Yes. Professional non-exempt employees may still attend conferences. However, supervisors should become familiar with the University’s travel policies to ensure employees are compensated appropriately.

Can I hire new employees as professional non-exempt?

No. This classification is reserved for UA employees who moved from exempt to non-exempt status because of the updated 2016 FLSA regulations.

Can a professional non-exempt employee continue to teach classes, work second assignments [or as a part-time employee] in another UA division or organization?

Professional non-exempt employees who receive supplemental pay as an instructor will not track time spent teaching as overtime hours and they will not be compensated at an overtime rate. Professional non-exempt employees who are employed by UA in another non-exempt position must record those hours as overtime and be compensated accordingly. Professional non-exempt employees should discuss budget and overtime compensation with the supervisors in both positions prior to work being performed.

**Overtime**

Are professional non-exempt employees eligible for overtime pay if they work more than 40 hours in one workweek?

Yes. Professional non-exempt employees must be compensated for all hours worked, including overtime.
Can professional non-exempt employees continue to check and respond to work concerns using their electronic devices after their regularly scheduled hours? Does this qualify as overtime?

With the approval of their supervisors, professional non-exempt employees can use their electronic devices for work purposes after their regularly scheduled hours. Professional non-exempt employees should be compensated for all hours worked, including overtime. Disciplinary action may be taken if an employee fails to adhere to overtime and compensatory time guidelines.

When will overtime be included in the employee’s paycheck?

Hours worked over 40 in one workweek must be submitted and approved according to the following pay schedule: http://payroll.ua.edu/payrollschedule.htm. Professional non-exempt employees will be paid for overtime based on this schedule.

Does overtime have to be authorized by a supervisor?

Yes. The supervisor is responsible for establishing and communicating work schedules that meet the needs of the university and that manage overtime. While overtime should be approved by the supervisor prior to the work being performed, employees must be paid for all hours worked.

Can employees work beyond their regularly scheduled hours or do work at home without prior approval?

Supervisors are responsible for making sure that work is not performed beyond scheduled hours without prior approval. Employees who work without authorization or prior permission must be compensated in accordance with FLSA regulations. Supervisors who have questions about this process should contact their HR Partners.

Can professional non-exempt employees volunteer to work more than 40 hours in a workweek and choose not to be compensated?

No. Professional non-exempt employees cannot waive their rights under the FLSA regulations.

Can professional non-exempt employees report to work early and stay late?
Supervisors are responsible for establishing and communicating work schedules that meet the needs of the university and that manage overtime.

**Can an employee work through lunch and then leave early to avoid taking annual leave?**

Supervisors are responsible for establishing and communicating work schedules that meet the needs of the university and that manage overtime.

**Can professional non-exempt employees work through lunch and count that as overtime?**

No. Professional non-exempt employees cannot use the lunch hour as an overtime option.

**Supervisors / Scheduling Overtime**

Are supervisors responsible for making sure that professional non-exempt employees keep up with the timekeeping requirements and are paid for overtime hours?

Supervisors have direct responsibility for managing staff and ensuring compliance with policy and practices. [UA e-Time] approvers and timekeepers also share responsibility with supervisors for making sure professional non-exempt staff promptly and accurately record their hours worked.

**What can a supervisor do if an employee consistently works from home without prior approval?**

Professional non-exempt employees are required to report hours worked outside their regularly scheduled workweek to their supervisors. Disciplinary action may be taken if an employee fails to adhere to overtime and compensatory time guidelines. Contact your [HR Partner] for more information. In all instances, professional non-exempt employees should be compensated for all hours worked, including overtime.

**What happens if the job requires consistent overtime to meet deadlines?**
Supervisors should work with their designated fiscal officer(s) and departmental leadership to determine how overtime hours and costs will be managed for their areas.

For additional information about the Fair Labor Standards Act click here.