

Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) is a U.S. law that sets basic rules for how workers should be treated. Here are the key points:

- **Minimum Wage:** It sets a federal minimum wage, which is the lowest amount employers can pay their workers per hour. Currently, it's \$7.25 per hour.
- **Overtime Pay:** If you work more than 40 hours in a week or more than 86 hours in a pay period for protective officers, you should get paid extra (usually 1.5 times your regular rate) for those extra hours.
- **Recordkeeping:** Employers must keep accurate records of your work hours and pay.
- **Child Labor:** There are special rules to protect workers under 18, limiting the types of jobs they can do and the hours they can work.

The FLSA helps ensure fair pay and working conditions for most employees in the U.S. The U.S. Department of Labor oversees the FLSA. Based on the duties of the position and the compensation of an employee, some employees are exempt from the protections of the law.

Frequently Asked Questions

Q: What determines if a position is exempt or non-exempt?

A: The job duties a position actually performs and the salary of the individual determine the classification. To be classified as exempt, a position's primary duties must be to perform executive, administrative, or professional duties and be compensated more than \$35,568 annually. For administrative exemptions, the primary duty must be to perform work directly related to the management or general business operations and includes the exercise of discretion and independent judgement in matters of significance.

OVERTIME

Q: When is overtime earned for non-exempt employees? What is the rate for overtime?

A: Overtime is earned after exceeding 40 hours in a workweek. FLSA overtime is paid at 1.5 times your regular hourly rate after exceeding 40 hours worked in the week. There is a provision for protective services positions who work shifts that overtime at time and a half is paid after working 86 hours in the pay period. Overtime is paid at straight time until 40 hours are actually worked in weeks where there the employee is compensated for non-worked hours such as leave, holiday or emergency office closures. Example: The employee takes annual leave 8 hours on both Monday and Tuesday and works 10 hours Wednesday, Thursday and Friday. The employee is paid 16 hours leave, 24 hours regular pay, and 6 hours of straight overtime.

Q: Can a non-exempt employee work overtime and tell the supervisor later?

A: No, employees must have all overtime approved by their supervisor prior to work commencing.

Q: How would you handle an employee working overtime without permission? For example, they want to "catch up" after being out of the office for a week but do not expect the department to pay overtime.

A: All time worked is compensable for non-exempt, hourly staff. Employees are required to get express permission before working overtime. If the department agrees to the overtime, the individual may work additional time; however, if the department is not agreeable to the overtime, any longer days may be offset later in the week to maintain 40 hours worked in the workweek. Employees working unauthorized overtime are still compensated but are subject to disciplinary action.

Q: Can supervisors require employees to work overtime if they reach their 40 hours prior to the normal end of the week - Friday at 4:30?

A: Yes, based on departmental need, it may at times be a necessity to work overtime, and supervisors may require a worker to do so to meet the organization's needs.

Q: Can non-exempt employees receive compensatory time in place of overtime?

A: No, LSUHSC-NO does not allow compensatory time.

Q: What about "volunteering"?

A: Volunteering or optional participation in events or activities is not compensable time. Required evening or weekend events or activities are compensable.

Q: Can my manager reduce my hours to less than 40 in a standard work week?

A: Managers may not reduce an employee's work schedule if they are a 100% effort full-time employee. Instead, during downtime, departments should assign temporary responsibilities to ensure employees meet their 40-hour weekly minimum. Employees must work their assigned hours/full-time equivalent (FTE) as indicated in their offer letter.

Q: Can an employee work 50 hours in week 1 and 30 hours in week 2 without going into overtime?

A: No, Except for protective service positions, overtime is calculated by workweek, 12:00 am Monday – 11.59 pm Sunday.

Q: What is the formal manner to document an employee's schedule?

A: There should be an agreement maintained internal to the department.

FLEXIBLE WORK SCHEDULES

Q: Can non-exempt employees have a flexible work agreement? Are there any special considerations for time worked remotely?

A: The FLSA status has no impact on the availability of flexible work arrangements or special considerations. The position and employee must meet all requirements in CM-73. Time entry for hours worked are entered into PeopleSoft the same whether in the office or remote.

HOLIDAYS

Q: Will non-exempt employees receive additional pay for working on an LSU holiday?

A: Yes, non-exempt employees who work on a holiday will be paid their regular rate of pay for all hours worked on the holiday in addition to the holiday pay.

EMERGENCIES

Q: What happens when we are sent home because of bad weather, etc., or we have an unexpected short day?

A: Time entry instructions are sent upon each closure. Hourly workers will continue to be paid in the event of a campus closure. It will, however, require that the timekeeper enter the emergency time off time code as directed in the emergency closure instruction in order to get the credit for those hours.

LUNCH

Q: Are lunch meetings compensable?

A: Yes, engaged work time that is mandatory are considered compensable. Optional offerings that an employee chooses to attend are not compensable.

Q: Do lunch breaks count towards the 40 hours?

A: Lunch breaks are not compensable and do not count toward the 40 hours worked per week.

TRAVEL

Q: How do we handle professional conferences if employees travel to other cities/states/etc.?

A: Traveling for university business during what would otherwise be an employee's regularly scheduled time Monday-Friday is compensable. Additionally, attending mandatory work events/conferences is also considered compensable.

Q: How will travel time be managed for those who travel to conferences, meetings, etc.?

A: The Department of Labor (DOL) has specific information regarding travel time that can be found on the DOL website.

Q: Does commute time count towards the 40 hours?

A: No, commute time does not count toward the 40 hours worked per week and is not compensable.

Q: If an employee travels to an off-site meeting location, leaving before normal work hours, is the travel time counted as hours worked?

A: When traveling to a meeting, any time in addition to normal commute time is counted as hours worked.

OTHER

Q: In 2024, there was some news about the threshold changing. What happened?

A: On April 23rd, 2024, the Department of Labor issued a final rule that implemented a two-phase approach to increasing the minimum salary threshold under the FLSA overtime regulations. The first increase took effect on July 1, 2024, increasing the minimum salary threshold from the previous current level of \$684 per week (\$35,568 per year) to \$844 per week (\$43,888 per year). The second increase was set to take effect on January 1, 2025, and it would have increased the minimum salary threshold again to \$1,128 per week (\$58,656 per year). The final rule also adopted automatic updates to the minimum salary threshold that would occur every three years.

On Friday, November 15th, a federal judge vacated the entire rule. This ruling means that the new salary threshold for January 2025 would not take place and also reversed the July 2024 changes. This ruling also eliminated the scheduled salary updates every three years, which would have required us to constantly change the minimum amount employees would have been required to be paid to remain in a salary-exempt status.

Q: Where can I get more information on the regulation?

A: Complete information is available on the Department of Labor's Wage and Hour Division at <https://www.dol.gov/agencies/whd/flsa>. Please contact nohrmcompensation@lsuhsc.edu with any additional questions.