
FAIR LABOR STANDARDS ACT

Frequently Asked Questions



WHO IS AFFECTED?

Who is affected?

All LSUA employees who have a salary below \$43,888 and/or who occupy a position with a position range minimum less than \$43,888, will be converted to hourly for the July 1 implementation.

Do the new FLSA rules affect faculty?

The new rules do not affect faculty whose primary position's responsibilities involve instruction (tenure track, clinical track, and lectures). Research faculty and librarians may be affected if the salary is below the FLSA threshold of \$43,888.

If an employee makes the current threshold at 100% FTE but reduces effort and drops below the threshold, will they convert to non-exempt hourly?

Yes, the FLSA does not take into consideration the proration of FTE and the employee would convert to non-exempt hourly and enter time for all hours worked.

For example: Academic Coordinator 3 has a \$30,000 salary at 50% effort. The position must be converted to hourly – even though the full-time equivalent is \$60,000.

Does this new rule apply to employees working 12-hour shifts?

Yes, organizations utilizing irregular shifts are obligated to follow the new rules. Full time employees must be scheduled for 80 hours over the bi-weekly period. The employee would enter Comp Time Earned if their work schedule is greater than 40 hours in week one. The employee would use the compensatory time off in week two when the regular schedule is less than 40 hours. Note that compensatory time accrued is at the rate of 1.5 when actual hours worked is greater than 40 during the work week. Please contact the HRM Time and Absence team if you need further assistance.

Are transient/wages as earned (WAE) types impacted by FLSA?

Yes, they are subject to all FLSA rules and regulations. However, because Transient and WAE workers are already hourly, there is no change in their time entry.

How does this process (time entry specifically) change for nextSource employees?

There is no change for hourly nextSource employees. You will continue time entry as you do now. nextSource will notify you of any changes accordingly.

GENERAL Q&A

Will this impact my unclassified/other academic/faculty status?

No, employees will remain in their current unclassified/other academic/faculty status and outside the Civil Service classification.

What does the exemption status mean?

Employees classified as exempt are not eligible to earn overtime and must be salaried. Employees classified as non-exempt are entitled to overtime pay.

Can I opt out of this change?

An employee and employer cannot agree to waive any of the federal law's requirements.

Will I still be eligible for merits?

Yes, this change does not impact merit eligibility.

If I am being moved from salaried to hourly wage, is it considered a demotion?

No, the transition from exempt to non-exempt is necessary to comply with federal regulations; therefore, in no way should this change be considered a demotion. This change will not adversely affect the actual or perceived value of an employee's work or the importance of their contributions to LSUA. There is no change to a worker's duties or title allocation, it is an adjustment to your pay frequency and allows a worker to be paid for all hours worked.

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

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.

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

This must be documented in writing and maintained in the department with a copy to HRM.

How is "coaching" defined for the salary threshold exemption?

Athletics coaches employed by higher education institutions may qualify for the teacher exemption. Teaching may include instructing student-athletes how to perform their sport. A coach will not qualify for the exemption if their primary duties are recruiting students to play sports and visiting high schools/camps to conduct interviews.

Does my hourly pay rate include stipends, allowances, or additional compensation?

No, the official hourly base rate does not include stipends for telephones, expense reimbursements, clothing allowances, benefits, additional compensation, supplemental compensation, etc.

Can I work 50 hours in week 1 and 30 hours in week 2 without going into overtime?

Compensatory time can be earned for the 10 hours on the 50-hour week, but it accrues at 1.5. So, 15 hours of compensatory time is earned in week one. In week two, you can use 10 hours to get to the 40-hour work week and have a remaining balance of 5 hours that will continue to accrue until it is used.

Example: Tank's normal work schedule is 8:00 am to 4:30 pm, Monday through Friday. In the first week of his two-week pay-period, he works from 8:00 am to 6:30pm each day.

At the end of the week, he has accumulated 40 normal hours and 10 overtime hours (2 extra hours each day). Tank wishes to count these 10 hours as Compensatory Time (Comp-Time). Being that Comp-Time is earned at the same 1.5X rate as overtime, Tank receives 15 hours of Comp-Time.

During week two (or any future week), Tank wishes to only work 30 hours by taking off a full day and 2 hours on another day. He can use 10 hours of his previously earned 15 hours of comp-time. After he takes leave for 10 hours, he still has 5 hours of comp-time remaining to use in the future.

BUDGET

Where will the funding for this overtime pay come from? Each department is responsible for the financing of their overtime or compensatory time from their regular budget.

Will upper administration help departments with funding overtime?

Departments and colleges will be required to manage their budgets accordingly, and there will not be institutional funding to cover manager-approved overtime.

If an employee's salary is split between two sources, how do we handle when they work overtime that should come from one of the sources specifically

Overtime will be charged according to the costing allocation for the employee's worker position earning. Payroll Accounting Adjustments can be done to update any costing of overtime.

CALCULATIONS

How do I calculate my hourly rate?

Hourly Rate = Annual Salary / 2080 hours

Hourly rate * 40 hours = gross weekly pay amount

Hourly rate * 80 hours = gross bi-weekly pay amount

HOLIDAYS

Will I still be paid for holidays?

Yes, you remain eligible for holiday pay. Employees will enter the time code "Holiday" into Workday to ensure payment.

Will I receive overtime for working on an LSUA holiday?

Yes, employees who work on a holiday will be paid 1.5 times their rate of pay for all hours worked on the holiday, regardless of the total hours worked during the week.

What if the worker is an essential employee and working holidays is part of the normal job duties?

All emergency and holiday hours worked are paid at 1.5 time.

EMERGENCIES

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

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

ADDITIONAL COMPENSATION/ADDITIONAL JOBS

Can non-exempt hourly employees still earn additional compensation for work performed outside their primary role?

First, per PM-03 work should be performed outside of the worker's normal work schedule to qualify for additional compensation. For all additional hours worked, the employee may not receive a lump sum, but rather compensated at their overtime rate of time and a half (no more and no less). Otherwise, per the Department of Labor, a weighted average of the primary and additional jobs rates of pay would have to be applied to the worker which would result in the primary job being charged the higher rate of pay for all hours worked.

BENEFITS AND PAYROLL DEDUCTIONS

Will switching from exempt to non-exempt impact my benefit elections and retirement plans?

No, your benefit elections and retirement enrollment will not be affected. However, benefit and retirement deductions will move to a bi-weekly schedule; therefore, you may need to make adjustments to how much you have set up to contribute per paycheck to supplemental retirement (403(b)/457(b)) elections.

If I have a fixed amount for extra tax withholding, should I adjust that manually? Will it take the current entire amount every paycheck?

The amount entered for extra withholding is per paycheck. So, any amount entered must be adjusted manually for the change to bi-weekly pay.

After the August paychecks, will future insurance deductions come out of 24 or 26 of the paychecks per year? Will they be divided equally from all paychecks or twice per month in the previous month?

Insurance deductions are deducted out of 24 paychecks a year. The deduction will be the same amount on each paycheck. After the last paycheck in August 2024 for the catch-up premium during conversion, there will be no deduction to any 3rd paycheck of the month. 3 paychecks in a month occur twice a year.

Are the current 12 monthly employees only paying parking for 9 of the 12 months?

Yes. Currently, salaried employees only pay for parking for 9 out of the 12 months. (Sept - May).

How far in advance can an employee see their first bi-weekly paycheck before it is paid in order to adjust deposits in advance to ensure they do not overdraw?

Payslips are available to be viewed as soon as payroll is processed, which is typically two days prior to the payment date. Employees will have to estimate their bi-weekly pay check prior to the first payroll to begin planning for the transition.

If our hourly rate is just our salary divided into an hourly rate, why are two pay checks not equal to what I'm currently being paid monthly?

Over the course of the year, the amount you are being paid will remain the same, but the distribution is changing. The distribution for the Wage Pay Group is bi-weekly. This is 26 pay periods per year, not 24.

What are the impacts on the pay schedule if someone is converted from salary to non-exempt hourly?

The employee will be paid on a bi-weekly basis instead of a monthly pay schedule. The bi-weekly pay schedule will result in 26 bi-weekly paychecks annually instead of 12 monthly paychecks.

LUNCH

Are lunch meetings compensable?

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

Do lunch breaks count towards the 40 hours?

Lunch breaks are not compensable and do not count toward the 40 hours worked per week (when lasting 30 minutes in duration or longer).

Do you need to clock in and out for lunch during a regular workday?

Workday will automatically calculate a 30-minute meal break for time entry over 5 hours. Time entry should be adjusted to reflect meal breaks greater than one hour either by creating two time blocks less than 5 hours to reflect the total hour worked or by entering leave as appropriate. Full-time employees must account for 40 hours during the standard work week.

Are staff members still allowed the two 15-minute breaks in the day in addition to the 30-minute lunch? Can employees choose to leave 30 minutes early instead?

Yes, staff are entitled to a 30-minute lunch break and may also be allowed two 15-minute breaks in the day. Per the LSU Staff Handbook, time for lunch and breaks/rest periods may not be accrued, nor should it be used to extend a lunch period or shorten a scheduled workday, regardless of the total hours worked during the standard workweek.

What if you do not take a lunch break?

Employees are entitled to a 30-minute lunch break each day. If individuals work through lunch breaks, it is compensable time, but managers and employees should discuss alternative lunch break periods and ensure that workers are provided ample rest periods.

If I work 7am-4pm with an hour lunch. How would I enter that now?

You can enter 2 separate time blocks to account for the hour lunch break. For example, two time blocks of 7-11am and 12-4pm.

Does LSUA pay for lunch? For instance, if a salaried employee takes lunch but still gets paid because they don't have to enter time off for it?

Regardless of whether an employee is salaried or hourly, they are entitled to a 30-minute lunch break, which is not compensable. Regardless of whether an employee is salaried or hourly, if the employee is in a full-time, 100% effort position, the expectation is to work a full 40 hours per week. Extended lunch periods, doctor's visits, late starts, or early days would presumably have made up time either through the submission of the appropriate annual or sick leave, or they've worked out a flexible schedule with their supervisor to make up any time missed.

OVERTIME

Can I work overtime and tell my supervisor later?

No, employees must have overtime approved, in writing, prior to work commencing.

What should I do if I know I need my employees to work overtime?

Departments should account for their annual overtime needs within the annual budget construction process.

How will my time be approved if my supervisor does not work in the summer?

For their summer absence, they can either delegate their inbox, or it may be appropriate to discuss reporting line changes. We have shared with leadership and managers that if supervisory organization changes need to be made to ensure that the correct person who can attest to the days and times that a worker works in the week is needed, they should contact the Office of HRM to discuss.

Must all employees in a department be treated the same? For example, is paying one employee OT but another flex time appropriate?

It would be best for the department to apply a consistent practice to ensure equity and fairness amongst employees.

What if the supervisor continually asks an employee to work and/or stay late and instructs that employee to enter comp time and does not allow that compensatory time off to ever be used? Is there a max accrual for compensatory time off?

The maximum accrued comp-time is 240 hours. When 240 hours is reached, the department must pay overtime. HRM will monitor and reach out to departments to ensure employees can use their compensatory time off in a reasonable amount of time.

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.

All time worked is compensable for non-exempt, hourly staff. Employees are required to get express permission before working overtime. If the department is agreeable to the overtime, the individual may work the 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.

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?

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.

Is there a limit on the overtime that can be worked?

That is a management decision based on the situation and in consideration of the departmental budget.

COMPENSATORY TIME

Can I receive compensatory time in place of overtime?

Yes, but it must be documented in writing and approved by your supervisor in advance.

Will I receive one hour of compensatory time for one hour of work time?

You will receive 1.5 hours of compensatory time for each hour worked in excess of 40 hours worked per LSUA overtime policy (PS 289). Compensatory time will accrue hour for hour up to 40 hours worked during the standard work week.

How do I track compensatory time?

Compensatory time earned for approved overtime will be entered in Workday in lieu of hours worked for approved overtime. Workday will calculate the accrual of hours and the compensatory time off balance will be available with your other accrued leave hours in Workday.

Is there a maximum accrual of compensatory hours?

Yes, employees cannot accrue more than 240 hours of compensatory time. Employees must be paid for all overtime hours if they accrue a maximum of 240 hours of compensatory time.

What happens to my compensatory time upon termination of employment?

Employees must be paid for all unused, accrued compensatory time balances, regardless of the reason for termination.

Can I save my compensatory time?

Compensatory time should be used in a reasonable amount of time following its accumulation. LSUA requires employees to exhaust their compensatory balance before using accrued annual leave.

If an employee earns compensatory time with one department and then transfers to another department, what happens to the compensatory time balance?

LSUA PS-289, LSUA Overtime Policy, governs how compensatory time will be earned and how it will be used or paid to the employee. The balance may be paid in full by the department where the overtime was earned. Balances that are not paid shall remain with the employee while employed at LSUA in a leave earning position.

Has a determination been made on the language of using compensatory time by "a reasonable amount of time," and what happens if it isn't in that window?

There is a general expectation of utilizing compensatory time within a two-week period. However, this may not be possible based on the nature of the job and potential blackout periods to manage high volume times. If unable to utilize within a two-week period due to these circumstances, the expectation would be within the month or immediately following that blackout period.

TIME ENTRY

How will I keep track of my time?

You will be required to enter your time in Workday. Failure to submit time by the deadline will result in non-payment to the employee. Also, failure of the supervisor to approve time by the required deadline will result in non-payment to the employee. Employees must wait until a future payroll to receive the catch-up in payment. There are no exceptions.

What happens if I work more than 40 hours per week?

Any hours worked over 40 hours per week must be paid 1.5 times your regular hourly rate. The standard work week is Saturday 12:00 am to Friday 11:59 pm.

When should I enter my time? Should it be entered by Friday?

You may enter and submit daily, but the best practice would be to enter time daily and submit the time weekly on the last working day of the workweek.

For vacations, can time be submitted in advance? for example, the employee knows they will be out the following week, so they go ahead and submit their time with annual leave noted.

Yes, time off can be requested in advance on the time entry calendar for that biweekly period that is open. The employee can also enter a future time off request on their time off calendar if the request is for bi-weekly period that is not open for time entry.

Is a department/manager required to inform their employees in advance of how the hours over 40 will be handled? Can it change throughout the year, or must it be consistent (earn OT one month, earn comp time another month, etc.)?

Departments should notify employees in advance of whether Overtime, Compensatory Time, or a Flexible Schedule will be established. It can change based on the departmental needs, advance notice should be given.

Is the pay period lockout deadline close of business or at midnight?

The time period lockout details are provided on the wage calendar schedule on the Payroll website. The time entry locks at noon on the lockout date provided on the time entry calendar.

Can an employee's supervisor assign another individual to approve time for an employee?

If the manager will be out of the office on leave, they may delegate their inbox to another individual to review/approve time. Day-to-day delegation of time review/approval is not permissible. Because Workday is designed to capture a proper audit record of an employee's time and a manager attesting to that worker's time, it's imperative that the day-to-day supervisor reviews and approves the worker's time. If the current manager is not the individual who can attest to the actual time worked, departments may contact HRM to discuss potential supervisory organization changes.

Do you still need to submit planned leave in advance the same as we do now, and then ensure it is recorded appropriately the week of on the weekly timesheet?

Each department may establish internal procedures regarding when and how leave will be requested. All leave must be entered into Workday as the system of record for the employee to be paid correctly. Note that employees entering leave or time off from the time off calendar must review the total hours submitted and approved on the time entry calendar to ensure correct pay.

What about "volunteering"? Will we be forced to volunteer without pay for weekend events and evening events?

Volunteering or optional participation in events or activities is not compensable time. Required evening or weekend events or activities are compensable. Note: Employees cannot "volunteer" to work. All work completed by an hourly employee is considered compensable for which the employee must be paid.

Do we log our start/end times down to the minute, the nearest 15 min., just our usual scheduled time, etc.?

You should indicate your actual start and end times in Workday when entering your time. Workday will apply standard FLSA rounding rules to the nearest hour or quarter hour based on the time entered, applying a 7-minute breaker. i.e. If you clock in at 8:02 am, Workday will automatically round to 8:00 am, but if you clock in at 8:09, Workday will round to 8:15 am.

Will Workday provide a reminder (via email) each week for employees to submit their time?

The Time Not Entered in a pay period is scheduled to run on Fridays and sends reminders to employees and managers. Note that if you have your Workday notifications and email communications disabled, you will not receive these communications. For the first few payrolls following conversion, Payroll and HRM will be running reports as a safe guard and notifying employees and managers alike of any time not entered, approved, or submitted. However, it would be best practice to add to your Outlook calendar as a reminder as well. Managers and Timekeepers may run any of these reports at anytime: "Time Not Entered", "Time Not Submitted", and/or "Time Not Approved."

How is comp time flexed within a pay period on the time entry calendar?

The method for accounting for flexed schedules within a bi-weekly pay period would be entered as follows. Comp Time Earned would be entered for overtime hours in week one of the period, and compensatory time off would be entered in week two of the pay period. Note that the comp time earned in week one will accrue at 1.5 if the employee actually works more than 40 hours during the week.

Will we get notified that the supervisor has approved our time for the week? Yes, a notification will appear in your Workday notifications box, the bell located on your Workday home screen next to the inbox.

LEAVE

Will switching from exempt to non-exempt impact my annual and sick leave accruals?

No, it will not impact your annual and sick leave accruals. You will continue to accrue on your current unclassified accrual schedule at the end of each month.

Will employees be able to switch from the Accrual Schedule they chose at the start of employment if their pay will be affected by this change?

No, this is an irrevocable decision.

What happens if I take time off during the week?

Time off does not count towards the 40 hours worked for overtime rate calculations. This includes annual leave, sick leave, jury duty, military leave, unpaid leave, etc. Employees will be paid their regular rate of pay for all hours worked and leave taken up to 40 hours per week.

How is time entry for extended leave handled (FMLA, parental, etc.)? Does the employee need to record those hours weekly?

Yes, time entry will need to be entered for the payroll period. For FMLA and parental leave, the Office of Human Resource Management works with employees to enter this based on the approved paperwork submitted for the qualifying event.

For employees who have chosen annual leave schedule two, what if they have accrued comp time but reach their cap of 176 hours?

If someone has reached their annual leave cap, they would not be able to earn any additional leave until it's used. If someone caps the comp time accrual of 240 hours, the department would be required to pay overtime compensation for any overtime thereafter.

If we have a full-time, non-exempt staff member taking advantage of tuition deferment and taking classes, how should their time be calculated?

For those full-time individuals who are utilizing LSUA's tuition exemption benefit for traditional courses, not LSUA Online, PS 212 and PM 12 permit those employees to take up to three clock hours per week per semester during work time without charge to annual leave or with an approved flex schedule on file with department head as required by PS 212. As a non-exempt employee, they would enter up to 3 hours per week as the time off, type 'Special,' and select the reason code 'Time Off to obtain an advanced degree – Not to exceed 3 hours per week'.

Are any hours worked during emergency closure paid at 1.5x for hours worked, or is compensatory time an option?

Yes, emergency hours worked during a closure for those workers designated as emergency essential will be paid 1.5x for hours worked. Compensatory time may be earned in lieu of paid overtime during closure and will accrue at 1.5x for hours worked.

TRAVEL

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

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.

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

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

Does commute time count towards the 40 hours?

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

How should departments capture the normal home-to-work commute time?

The commute time should be the average time spent driving from an employee's home to work.

If an employee travels during the hours that span across normal work hours AND not normal work hours, is it on the employee to deduct the time traveled outside of normal work hours or will there be a mechanism in Workday to exclude?

The manager would have to verify the time entry is appropriately input into Workday prior to approving.

Does a rental car count as public transportation if the employer is paying for it as we would for a train, airplane, or bus?

No, public transportation refers to planes, trains, buses, uber, taxis, etc., where the individual is a passive rider.