FLSA Status Changes

> Some positions change FLSA status on Dec. 6 as part of phase I. Each affected employee receives information with their Nov. 18 memo: one for moving from exempt to nonexempt, one for moving from nonexempt to exempt. This guide covers what supervisors need to do before and after Dec. 6, and how to talk about the change.

What FLSA status means

The Fair Labor Standards Act is a federal law covering minimum wage, overtime pay and recordkeeping. HR Compensation and Organizational Effectiveness (COE) sets each position's status based on salary and duties requirements.

- **Why now:** as part of phase 1, FLSA classifications are being aligned with job profiles, so positions doing similar work are classified consistently.
- **What it isn't:** a ranking, a demotion or a judgment of anyone's work.
- **Pay:** a change in FLSA status doesn't change the employee's overall base pay.

Review FLSA resources on the HR COE website.

How to talk about it

They ask	You can say
"Is this a demotion?"	"No. FLSA status follows federal law, based on the job's duties and pay. It isn't a ranking, and your role and value haven't changed."
"Am I hourly now?" (moving to nonexempt)	"Your position is now nonexempt, which means you're paid for every hour you work, including overtime."
"Will I lose my flexibility?"	"Let's look at your schedule together and agree on how changes will work. The main difference is that we record all the time you work."
"Do I still answer email after hours?"	"If you do, it's work time and gets recorded. Let's agree on what needs a response after hours and what can wait."
"Will I lose the opportunity to earn overtime?" (moving to exempt)	"Yes. Exempt positions don't earn overtime or compensatory time. Any comp time you've built up will be paid out."
"Does my pay change?"	"A status change doesn't by itself raise or lower your pay. Your memo shows any change to your pay."

Where to go

- **Employee job aids:** the exempt-to-nonexempt and nonexempt-to-exempt guides sent with each affected employee's memo.
- **Time and Leave:** clocking in and out, schedules, leave requests and timecards, on the Time and Leave website or through your department timekeeper.
- **K-State FLSA resources:** basics, supervisor guidance, overtime and compensatory time, work time and FAQs, on the FLSA website.
- **Your unit's HR manager:** questions about a specific employee, classification or compliance.

Checklist: exempt to nonexempt

This is the change most likely to feel like a loss, so the conversation matters as much as the logistics.

Before Dec. 6

- ☐ Talk with the employee after they receive their memo. Walk through the employee job aid together.
- ☐ Confirm whether they need an employee badge.
- ☐ Review their work schedule with your unit's timekeeper so it's accurate in Time and Leave.
- ☐ Set expectations for overtime: it should be approved in advance, and explain how to ask.
- ☐ Agree on how schedule flexibility and after-hours email or calls will work, since all time worked must be recorded.
- ☐ Make sure they've completed Time and Leave training and that you understand what you need to do in the time and leave system.
- ☐ Remind them that choosing compensatory time instead of overtime pay is their decision, made in HRIS.

After Dec. 6

- ☐ Approve their resubmitted time-off requests. Requests you approved before should be approved again.
- ☐ Make sure all hours worked are recorded, even overtime that wasn't approved in advance. Address unapproved overtime as an expectations conversation, never by leaving hours off the timecard.
- ☐ Check in after the first pay period about how timekeeping is going.

Checklist: nonexempt to exempt

This change often feels like a step up, but it ends overtime pay, so expect questions about workload and hours.

Before Dec. 6

- ☐ Talk with the employee after they receive their memo. Walk through the employee job aid together.
- ☐ Confirm they understand they'll no longer clock in or out or earn overtime or compensatory time.
- ☐ Let them know any accrued compensatory time will be paid out.
- ☐ Review their assigned work schedule with them or your timekeeper so it's accurate in Time and Leave.
- ☐ Talk about workload and hours. Exempt status doesn't mean unlimited hours; agree on what a normal week looks like.

After Dec. 6

- ☐ Approve their resubmitted time-off requests, now in half-day or full-day increments.
- ☐ Check in after the first pay period, including whether the compensatory time payout arrived.

Questions about FLSA status? Check with your unit's HR manager.