



# Fair Labor Standards Act 2020 Implementation

Human Capital Services

# FLSA Basics

- Exempt

"Exempt" from earning overtime - does not earn overtime or comp time when more than 40 hours are worked in a workweek

✓ **Compliance Priority** – correctly determining exemption eligibility

- Non-exempt

Not "exempt" from earning overtime - earns overtime or comp time when more than 40 hours are worked in a workweek

✓ **Compliance Priority** – documenting and compensating all hours worked

# FLSA Basics

All positions are assumed to be non-exempt unless they meet *ALL* of the following:

- Salary Threshold
- Paid on a salary basis and not hourly
- Duties test
  - ✓ Do the primary duties of the position qualify for exemption under US Department of Labor guidelines?

# Common Myths

- FLSA status is determined based on job title.
- All unclassified employees are exempt and all USS employees are non-exempt.
- Employees can volunteer additional hours of work and decline pay protection under the FLSA.
- If a job regularly requires working variable hours on evenings and weekends, it is likely exempt.
- If the overtime is not approved, it does not need to be paid.

# 2019 FLSA Overtime Rule

On September 24, the DOL announced updated regulations to be effective January 1, 2020.

- NEW minimum salary threshold for exemption of \$35,568/yr (\$1,368/biweekly or \$17.10/hr)
- No changes to the duties tests

K-State is in compliance today.

# K-State's Implementation

- Cabinet approved the adjustment of K-State's FLSA salary threshold to \$35,568
- The effective date for new salary threshold will be at the start of FY 21 for both current employees and new hires.
- HCS has conducted meetings with Cabinet Members and Deans to share FLSA dashboard and key decision points to be made.

# Action Plan



**Step 1:** Position Description Review and Submission

**Step 2:** Duties Test Evaluation and Determination

**Step 3:** Base Salary Decisions for Impacted Employees

**Step 4:** Evaluating Pay Equity

**Step 5:** Submitting Changes for Processing

**Step 6:** Communication and Training

# FLSA Implementation Timeline

Dates	Activity
Feb 10-April 3	Position Description submission window open for FLSA review
May 4	Communicate FLSA eligibility determinations to Deans/VPs/designees
May 18	Communicate FLSA changes to impacted employees, supervisors, and appropriate administrators
May 26-June 12	Conduct training for impacted employees, HCS Liaisons and Supervisors
June 14	FLSA changes and \$35,568 salary threshold effective at K-State for existing and new employees



# FLSA Resources

## [Human Capital Services Website](#)

FLSA Basics Online Training

2020 FLSA Implementation

Dept of Labor information and helpful links

## [PPM 4220: Hours of Work, Overtime, Overtime Pay and Compensatory Time](#)

Contact the Compensation & Organizational Effectiveness team in HCS at [hrcomp@ksu.edu](mailto:hrcomp@ksu.edu) with questions or training requests.