

# FAIR LABOR STANDARDS ACT (FLSA)

## QUICK REFERENCE GUIDE FOR SUPERVISORS

### Exempt (salaried)

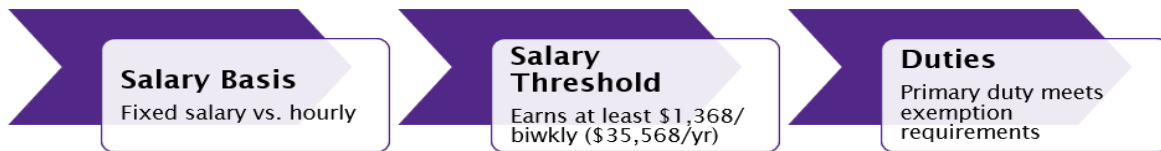
- Does not earn overtime or compensatory time for working more than 40 hours in a workweek
- Must meet the requirements of the FLSA exemptions set by the Department of Labor

### Non-Exempt (hourly)

- Earns overtime or compensatory time for working more than 40 hours in a workweek

<b>Workweek</b>	At K-State, “workweek” is defined as Sunday at 12:01 am to Saturday at midnight.
<b>Hours Worked</b>	<ul style="list-style-type: none"> <li>• All hours worked for the benefit of K-State</li> <li>• Short break of less than 20 minutes</li> <li>• Time spent waiting or downtime during the workday</li> <li>• Hours worked beyond the normal schedule (whether approved or not)</li> <li>• <b>NOT</b> commute to work, or meal breaks lasting 30 minutes or more</li> </ul>
<b>De minimis</b>	An insubstantial or insignificant period of time outside the scheduled working hours that cannot be practically or precisely recorded, i.e. a few seconds or minutes of work.
<b>Overtime</b>	Pay for working more than 40 hours in a workweek; paid at 1.5x the employee’s regular rate of pay. Paid time off does not count as hours worked for purposes of overtime. <b>(Non-exempt employees only)</b>
<b>Compensatory (Comp) Time</b>	In lieu of paying a <b>non-exempt employee</b> for overtime worked, employees may earn compensatory time off at the rate of one and one-half hours for each hour of overtime worked. Accepting comp time in place of overtime pay is at the employee’s discretion. Comp time may be accrued up to a maximum of 120 hours.
<b>Flexible Work Arrangements (Flex Time)</b>	A way to help provide scheduling flexibility to employees and potentially avoid overtime/comp time. For instance, an employee may work 7:00 am to 4:00 pm instead of 8:00 am to 5:00 pm, or a supervisor may allow an employee to start work late after working late the day before. To avoid overtime/comp time, the time must be flexed within the same workweek.

## FLSA EXEMPTION FROM OVERTIME FLOWCHART



### FREQUENTLY ASKED QUESTIONS & SPECIAL SITUATIONS

#### Do I need to record time for the training program my employee attended?

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time **only if** four criteria are met:

- It is outside normal hours
- It is voluntary
- Not job related, and
- No other work is concurrently performed.

#### How do I record travel time?

- **To and from work:** This is not work time and is not compensable.
- **One day out-of-town travel:** If a non-exempt employee travels out of town for less than one day, the employee must be paid for all travel time, excluding travel time from home to public transportation and bona fide meal times.
- **Travel during the work day:** time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.
- **Overnight travel:** Pay is due for time spent traveling (except for meal periods) during their normal working hours on their regular working days as well as during normal working hours on their non-working days. For instance, if an employee's regular work schedule is 8 a.m. - 5 p.m. Monday through Friday, any travel on Saturday and Sunday between those hours is also compensable.

#### What if my employee works outside of their scheduled hours?

Work not requested but performed is still work time that must be paid.

#### Are breaks paid time?

Non-meal breaks of 20 minutes or less are paid time and count as hours worked. Bona fide meal periods must be 30 minutes or more are not paid time and do not count as hours worked. Employees must be completely relieved from duty for unpaid breaks.

### ADDITIONAL RESOURCES

- K-State's PPM 4220: Hours of Work, Overtime, Overtime Pay and Compensatory Time
- Department of Labor:
  - Fact Sheet #17A: Exemption Under the FLSA
  - Fact Sheet #22: Hours Worked Under the FLSA
- Human Resources website: [www.ksu.edu/hr](http://www.ksu.edu/hr)

### CONTACT US

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