

# Fair Labor Standards Act (FLSA)

## Quick Reference Guide for Supervisors

### Exempt (salaried)

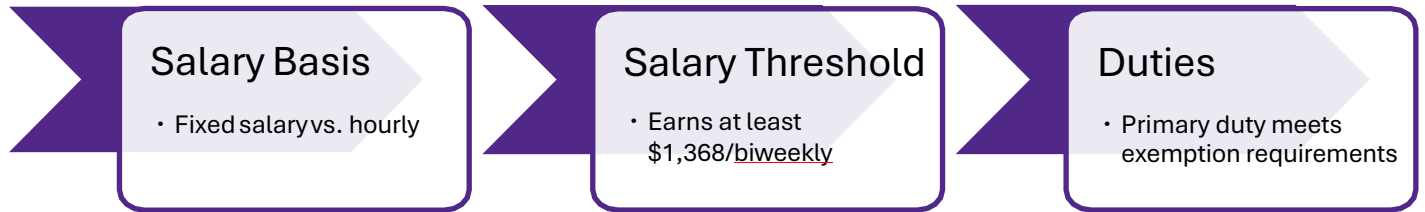
### Nonexempt (hourly)

Does not earn overtime or compensatory time for working more than 40 hours in a workweek	Earns 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	Any position can be classified as nonexempt

### FLSA Terms and Definitions

<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). Supervisors are responsible for ensuring all hours worked are recorded and paid appropriately.</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>Only nonexempt employees are eligible for overtime.</b>
<b>Compensatory (Comp) Time</b>	In lieu of paying a nonexempt employee overtime for hours worked over 40 in a workweek, employees may earn compensatory time off at a rate of one and one-half hours for each hour of overtime worked. Comp time is earned only when overtime work occurs and must be recorded in the timekeeping system. Accepting compensatory time in place of overtime pay is at the employee’s discretion. Comp time may be accrued up to a maximum of 120 hours. If a position transitions from nonexempt to exempt, any accrued compensatory time must either be used prior to the effective date of the change or will be paid out in accordance with university policy.
<b>Flexible Work Arrangements (Flex Time)</b>	A way to 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 or compensatory time, schedule adjustments must occur within the same workweek (Sunday through Saturday).

## FLSA EXEMPTION REQUIREMENTS



### TRAVEL & TRAINING

#### Is training time considered work time?

**Training, meetings, lectures, and similar activities must be counted as work time unless ALL the following are true:**

- The training occurs outside the employee's normal working hours
- Attendance is voluntary
- The training is not directly related to the employee's job
- The employee performs no other work during the training

If any one of these conditions is not met, the time must be counted as hours worked.

#### 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 nonexempt employee travels out of town in the same day, the employee must be paid for all travel time, excluding travel time from home to work or public transportation and bona fide meal times.
- **Travel during the workday:** 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:** Compensation is due for time spent traveling (except for meal periods) during an employee's 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, travel on Saturday and Sunday between those hours is also compensable.

For more travel time information and sample scenarios, visit our [Travel Scenarios for Nonexempt Employees](#) website.

#### What if my employee works outside of their scheduled hours without prior approval?

Work not requested but performed is still work time that must be paid. Follow-up with a conversation about your expectations for work outside the regularly scheduled hours.

#### Are breaks paid time?

Non-meal breaks of 20 minutes or less are paid time and count as hours worked. Bona fide meal periods of 30 minutes or more are not paid time and do not count as hours worked as long as employees are completely relieved from duty during that time.

### ADDITIONAL FLSA 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
- [K-State FLSA Resources for Managers](#)
- For guidance on discussing FLSA status with employees, see the COE resource *Tips for Communicating about FLSA*

### CONTACT US

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