

NSU FLSA Guidelines, Information and Tips for Supervisors

As a supervisor, you should have received copies of the notification letters that were sent to those employees transitioning from exempt to non-exempt status under your direction. These employees become non-exempt on November 20, 2016, beginning with the first day of the new pay period. At this time, these employees will begin to use the Banner timekeeping system and will be eligible for compensation for overtime. The FLSA update is effective December 1, 2016, but to be compliant at that time, the transition will begin on November 20, 2016.

As a team member you are responsible for clear communication and support to your transitioning employees.

FLSA update is effective December 1, 2016.

Transitioning employees will receive their first bi-weekly pay check December 16, 2016.

Medical and dental insurance will be waived in the month of December to help with transition. Normal deductions will resume in January 2017. Insurance and benefits will be deducted on a bi-weekly basis.

Transitioning employees will receive an administrative leave adjustment in the first bi-weekly pay period (BW25) in the amount of 13.25 hours of pay to ensure receipt of total annual salary.

Membership in the Oklahoma Teachers' Retirement System is open to all regular full-time employees of Northeastern State University. Membership is required for certain employees, but is optional for others. Current exempt status employees are considered classified personnel according to OTRS and membership is required. OTRS membership will become optional for NSU employees that will be transitioning to a non-exempt status. Before canceling membership in OTRS, careful consideration should be given, due to the tremendous benefit of this program, and OTRS rules regarding cancellation of contributions.

Compensatory Time-Comp Time

Due to the FLSA update, NSU will enact a compensatory time system (comp time) to accommodate pre-approved and required overtime worked.

According to the NSU Employee Handbook, all overtime must be pre-approved. Employees should notify supervisors if they anticipate working over 40 hours in a seven day workweek.

What is compensable Time?

Working hours including time spent outside the workplace (calls, texts, emails)

Working lunches or working during lunch

Travel time (outside of regular home to work travel)

Approved professional development-committees, councils and campus groups

All overtime worked, whether approved or not

Compensation will be at the rate equal to 1.5 times the hourly rate of pay in compensatory time off (comp time). Comp time hours are banked for the employees' use.

Supervisors should encourage employees to schedule and take earned time to keep comp time balances within reason. Comp time and vacation are both financial liabilities to the University and should not be saved or accumulated. Comp time leave should be used before vacation leave.

As a supervisor, how will you schedule the use of comp time to keep it from accruing beyond the 30 hours?

How will you accommodate employee requests to take comp time when they want it?

How will you manage the comp time balances to ensure employees take comp time (and vacation) to minimize financial liability to your budget?

How will you address overtime performed without prior approval?

Flex Time

Flex time is maintaining a workweek that varies from the core business hours. Supervisors and employees may agree on flex time schedules on an individual basis. Flex time must be applied in a 40 hour workweek.

Budget Implications

If overtime is compensated through wages, the amount of payment will be deducted from the department budget and can cause a negative impact. There is no excess money built into the budget for overtime wages.

However, some departments may choose to make payment for the overtime, with the understanding that this will be charged to their organizational budget. Otherwise, all overtime will be compensated through a comp time system. No additional overtime budgets are available. Again, all overtime worked must be pre-approved.

Comp time that has not been used at the end of the fiscal year will be paid out and charged to the appropriate organization budget.

Time Approval

As a supervisor/timekeeper, you are responsible for the management of the timekeeping system.

Exceptions reports will be generated and distributed on Wednesday of each week with detailed information of the time records for your non-exempt employees. This report will help to manage your workweek.

Plan ahead to allow for time off early in the workweek or redistribute the workload if you anticipate someone working over 40 hours in the workweek.

Supervisor should determine the schedule, not employees.

As a Supervisor or timekeeper you will be responsible for the timely approval of timesheets for non-exempt employees under your direction and to certify accurate reporting of time worked and any associated comp time. NSU expectations are that you are responsible for legally attesting to time worked.

Timesheets should reflect actual hours worked. Waiting until the end of the day or week and entering the number 8 is not acceptable in an audit.

The NSU workweek begins 12:01am Sunday and ends 12:00pm Saturday,

Your Next Steps:

Have a conversation with your impacted employees.

Consider what extras they do? (Such as: Staff Council; search committees; University committees; etc.)

Which of these is a priority for the employee?

What things can be changed? (Such as: texts; email and calls after work; working lunches; etc.)

What are your expectations for communication in the department?

Engage in regular dialogue with your employees to understand their needs and workload.

Encourage ideas from your team that will increase efficiencies and maintain effectiveness.

Careful consideration of the work flow in the beginning can be helpful in identifying areas of process improvement and work flow adjustments.

Keep a positive attitude and remind employees of the benefits, insist on “on the clock only” work and stay mindful of their work loads. This can help minimize the impact and help them navigate the change.

What steps can I take to avoid personal liability?

Know the law-DOL/FLSA

Follow NSU policies and procedures

Be as consistent as reasonably possible

Appropriately compensate employees for time worked

Hold employees accountable for timely and accurate timesheet entry

A Year in Review

As you evaluate current work flow and processes and realize that more than 40 hours is being worked, you will need to determine if duties can shift to balance out the work. Job descriptions may need to be reviewed for change in duties.

As a supervisor, if you feel the job description does not accurately meet the duties performed by an employee, a review of the position can be completed. This would include a full review of the job description and the step and grade process to be applied. All review of positions should be requested from the appropriate Vice President. The process referenced in the Employee Handbook (3.3) should be followed. All changes would be considered during the budget process for the new FY18 budget. Because of the time and effort required to complete this process, we strongly urge you to plan ahead. Complete review of submissions submitted close to budget process deadlines may not be able to be accommodated in time for new budget assignment.

Relevant Policies

Due to the many changes associated with the FLSA transition and moving to a compensatory time system, many policies in the Employee Handbook are being updated. Certain policies will be under revision as the transition process takes place. Currently, there is pending litigation that could possibly delay or change the FLSA update. No revision of policies will begin until December 1, 2016, due to the pending litigation and the possibility of a delay.

Compensatory Time Policy

The University's policy will be to give compensatory time off in lieu of payment, when overtime is worked. This should be done in every possible situation. Compensatory time will normally be banked at a time and one-half rate. The University recognizes that there will be occasional legitimate exceptions where overtime must be paid, but such pay is beyond anticipated budgetary expenses and at the discretion of the management. All overtime worked must be approved in advance by the immediate supervisor. All hours worked must be accurately documented and maintained in accordance with federal and state regulations. Any compensatory time balance remaining at termination will be paid to the employee. Exempt employees are not entitled to overtime payments for those hours worked over 40 in a workweek.

Holiday Policy

Holidays will be considered straight time and will calculate as such. This change in policy was approved by the President's Cabinet and the Policy committee, October 28, 2016.

Overload/Adjunct Policy

Non-exempt employees must be compensated at one and one-half time for all work in excess of the regularly scheduled 40 hour week, based upon their hourly rate, regardless of whether it is performed for the department the employee is assigned to or another University department, such as teaching a course. According to RUSO, employers of adjunct faculty are to use a method of crediting hours of service for those employees that is reasonable in the circumstances and consistent with the employer responsibility provisions.

The final regulations expressly allow crediting an adjunct faculty member with 2.25 hours of service per week for each hour of teaching or classroom time as a reasonable method for this purpose. Prior approval from immediate supervisor must be received, by submitting the “permission for additional employment” form, if it is within your normally scheduled workweek.

Resources

NSU HR Website-FLSA tab

<https://offices.nsuok.edu/humanresources/FairLaborStandardsAct%28FLSA%29.aspx>

Employee Handbook-currently under construction due to changes. Handbook revisions are pending final decision.

NSU Portal

Payroll Calendar

[Compliance Assistance - Wages and the Fair Labor Standards Act \(FLSA\)](#)

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