

Fair Labor Standards Act

Frequently Asked Questions

WHO IS AFFECTED?

Q: Do the new FLSA rules affect faculty?

A: The new rules do not affect faculty whose primary position's responsibilities involve instruction (tenure track, clinical track, and lecturers). Research faculty and librarians may be affected if the salary is below the FLSA threshold of \$43,888.

Q: Are graduate assistants and student workers affected?

A: When instruction is the primary duty, the new rules do not apply, and Teaching Assistants will not become eligible for overtime pay. Also, when research assistants are engaged in research while obtaining a degree, they will not become eligible for overtime pay under the new rules.

Q: If an employee makes the current threshold at 100% FTE but reduces effort and drops below the threshold, will they convert to non-exempt hourly?

A: Yes, the employee will convert to non-exempt hourly and enter time for all hours worked.

Q: Does this new rule apply to employees working 12-hour shifts?

A: Yes, organizations utilizing irregular shifts are obligated to follow the new rules. Please contact the HRM Time & Absence department for timekeeper instructions for irregular work schedules.

GENERAL Q&A

Q: Can I opt out of this change?

A: An employee and employer cannot agree to waive any of the federal law's requirements.

Q: If I am being moved from salaried to hourly wage, is it considered a demotion?

A: No, the transition from exempt to non-exempt is necessary to comply with federal regulations; therefore, in no way should this change be considered a demotion. This change will not adversely affect the actual or perceived value of an employee's work or the importance of their contributions to LSU.

Q: What happens if I work more than 40 hours per week?

A: Any hours worked in excess of 40 hours per week must be paid at the rate of 1.5 times your regular hourly rate. The standard work week is Saturday 12:00 am to Friday 11:59 pm.

Q: What is the formal manner to document an employee's schedule?

A: This should be in memo form and maintained internal to the department.

Q: Are transient/wages as earned (WAE) types impacted by FLSA?

A: Yes, they are subject to all FLSA rules and regulations.

Q: Are there any additional impacts to grants?

A: If overtime is worked, this will impact the grant's budget. Otherwise, there are no additional effects.

Q: How is "coaching" defined for the salary threshold exemption?

A: Athletics coaches employed by higher education institutions may qualify for the teacher exemption. Teaching may include instructing student-athletes how to perform their sport. A coach will not qualify for the exemption if their primary duties are recruiting students to play sports and visiting high schools/camps to conduct interviews.

Q: Will new overtime rules apply to Graduate Assistants?

A: Graduate Assistants' primary function is that of a student and is considered part-time, with a maximum scheduled weekly hour of twenty hours per week, 25 hours per week with special administrative approval. Presumably, there would not be a time when Graduate Assistants would work more than 40 hours in a workweek. Therefore, LSU will not pursue converting Graduate Assistants from stipend to hourly at this time.

Q: Will departments have to pay fringe on overtime pay?

A: No, fringe rates are not currently assessed on overtime. Fringe rates are evaluated each year, and any changes would be communicated to departments through the annual fringe rate memorandums accordingly.

Q: Will I still be paid for holidays?

A: Yes, you remain eligible for holiday pay. Employees will enter the time code "Holiday" into Workday to ensure payment.

Q: Will I still be eligible for merits?

A: Yes, this change does not impact merit eligibility.

Q: Can my manager reduce my hours to less than 40 in a standard work week?

A: Managers may not reduce an employee's work schedule if they are a 100% effort full-time employee. Instead, during downtime, departments should assign temporary responsibilities to ensure employees meet their 40-hour weekly minimum. Employees must work their assigned hours/full-time equivalent (FTE) as indicated in their offer letter.

Q: Can non-exempt hourly employees still earn additional compensation?

A: Per Permanent Memoranda 3, additional compensation may be provided to employees for the performance of duties outside the scope of their primary job and beyond 100% effort (outside of normal work hours). Therefore, additional compensation must be paid at the employee's overtime rate, calculated based on their primary position's base rate. Contact the HRM Compensation Department for questions.

Q: Are lunch meetings compensable?

A: Yes, engaged work time that is mandatory are considered compensable. Optional offerings that an employee chooses to attend are not compensable.

Q: How will I keep track of my time?

A: You will be required to enter your time in Workday. Failure to submit time by the required deadline will result in non-payment to the employee. Also, failure of the supervisor to approve time by the required deadline will result in non-payment to the employee. Employees must wait until a future payroll to receive the catch-up in payment.

Q: Will this impact my unclassified/other academic/faculty status?

A: No, employees will remain in their current unclassified/other academic/faculty status and outside the Civil Service classification.

Q: What does the exemption status mean?

A: Employees classified as exempt are not eligible to earn overtime and must be salaried. Employees classified as non-exempt are entitled to overtime pay.

Q: What are the impacts on the pay schedule if someone is converted from salary to non-exempt hourly?

A: The employee will be paid on a bi-weekly basis instead of a monthly pay schedule. The bi-weekly pay schedule will result in 26 bi-weekly paychecks annually instead of 12 monthly paychecks.

Q: Will switching from exempt to non-exempt impact my annual and sick leave accruals?

A: No, it will not impact your annual and sick leave accruals. You will continue to accrue on your current unclassified accrual schedule.

Q: Will switching from exempt to non-exempt impact my benefit elections and retirement plans?

A: No, your benefit elections and retirement enrollment will not be affected. However, benefit and retirement deductions will move to a bi-weekly schedule; therefore, you may need to make adjustments to how much you have set up to contribute per paycheck to supplemental retirement (403(b)/457(b)) elections.

Q: What happens if I take time off during the week?

A: Time off does not count towards the 40 hours worked for overtime rate calculations. This includes annual leave, sick leave, jury duty, military leave, unpaid leave, etc. Employees will be paid their regular rate of pay for all hours worked and leave taken up to 40 hours per week.

Q: Will I receive overtime for working on an LSU holiday?

A: Yes, employees who work on a holiday will be paid 1.5 times their rate of pay for all hours worked on the holiday, regardless of the total hours worked during the week.

Q: Can I work overtime and tell my supervisor later?

A: No, employees must have overtime approved by their supervisor prior to work commencing.

Q: Where will the funding for this overtime pay come from?

A: Each department is responsible for the financing of their overtime or compensatory time from their regular budget.

Q: How will the career progression series be impacted if some levels are below the threshold and some are above?

A: Those levels that have a minimum salary that falls below will be converted to non-exempt, while those above remain exempt.

Q: Does my hourly pay rate include stipends, allowances, or additional compensation?

A: No, the official hourly base rate does not include stipends for telephones, expense reimbursements, clothing allowances, benefits, additional compensation, supplemental compensation, etc.

Q: How will travel time be managed for those who travel to conferences, meetings, etc.?

A: The Department of Labor (DOL) has specific information regarding travel time that can be found on the [DOL website](#).

Q: Does commute time count towards the 40 hours?

A: No, commute time does not count toward the 40 hours worked per week.

Q: Do lunch breaks count towards the 40 hours?

A: Lunch breaks do not count toward the 40 hours worked per week (when lasting 30 minutes in duration or longer).

Q: Who is going to let the employee know of this change?

A: While HRM is going to send out a series of informational materials, each department should establish and inform each employee in writing who is being paid an annual base salary under \$43,888 annually of their regular work hours, work schedule, and hourly rate.

Q: How should I handle changes in an employee's work schedule?

A: Any changes in a work schedule should be approved by the supervisor in a formal manner in advance.

Q: What should I do if I know I need my employees to work overtime?

A: Departments should account for their annual overtime needs within the annual budget construction process.

Q: Where can I get more information?

A: Complete information is available on [LSU's HRM website](#) and on the [Department of Labor's Wage and Hour Division](#) webpage. Additionally, please refer to [LSU's Employee Overtime Policy \(PS-61\)](#). Please contact hr@lsu.edu with any additional questions.

COMPENSATORY TIME

Q: Can I receive compensatory time in place of overtime?

A: Yes, but it must be documented in writing and approved by your supervisor in advance.

Q: Will I receive one hour of compensatory time for one hour of work time?

A: You will receive 1.5 hours of compensatory time for each hour worked in excess of 40 hours worked per LSU overtime policy. Compensatory time will accrue hour for hour up to 40 hours worked during the standard work week.

Q: How do I track compensatory time?

A: Compensatory time earned for approved overtime will be entered in Workday in lieu of hours worked for approved overtime. Workday will calculate the accrual of hours and the compensatory time off balance will be available with your other accrued leave hours in Workday.

Q: Is there a maximum accrual of compensatory hours?

A: Yes, employees cannot accrue more than 240 hours of compensatory time. Employees must be paid for all overtime hours if they accrue the maximum of 240 hours of compensatory time.

Q: What happens to my compensatory time upon termination of employment?

A: Employees must be paid for all accrued compensatory time, regardless of the reason for termination.

Q: Can I save my compensatory time?

A: Compensatory time should be used in a reasonable amount of time following its accumulation. LSU requires employees to exhaust their compensatory balance before using accrued annual leave.

Q: If an employee earns compensatory time with one department and then transfers to another department, what happens to the compensatory time balance?

A: If the employee has not used the compensatory time within a reasonable amount of time following its accumulation, the balance remains with the employee when transitioning to the department. The new department assumes the balance with the employee and should they separate from the university and would be responsible for the financing of the compensatory time payout from their regular budget.

Q: Can I work 50 hours in week 1 and 30 hours in week 2 without going into overtime?

A: Compensatory time can be earned for the 10 hours on the 50-hour week, but it accrues at 1.5. So, 15 hours of compensatory time is earned in week one. In week two, you can use 10 hours to get to the 40-hour work week and have a remaining balance of 5 hours that will continue to accrue until it is used.