



FLSA Fact Sheet for Non-exempt Employees

The Fair Labor Standards Act (FLSA) is a federal law first established in the 1930s. The purpose was to establish a minimum wage and a limit on the number of hours which may be worked in a standard workweek. It also provides standards for equal pay, overtime pay, record keeping, and child labor.

☐ Two Types of FLSA Employees

- **Non-exempt** employees are eligible for overtime compensation.
- **Exempt** employees are not eligible for overtime compensation.

At UD, HR-Compensation determines which positions are Exempt and Non-exempt based on three criteria (tests) set forth in the FLSA regulations.

☐ Non-exempt employees:

- Must be paid for any time worked beyond their regular weekly work hours.
- Cannot waive their rights to compensation for extra hours worked.
- Must record their hours worked on a timesheet.
 - This includes time away from work such as vacation and sick time.
 - UD Time only tracks hours for AFSCME members and variable-hour employees because they clock in and out. It is not valid for other non-exempt employees.
- Overtime must be pre-approved by your manager or supervisor.
- Employees should not work extra when it is not requested by a manager. Examples:
 - Reading or responding to emails after work hours
 - Catching up on work-related tasks
 - Working over lunch
 - Working early or late

☐ Compensation for Overtime (OT)

- Hours worked over 40 hours in a regularly scheduled work week must be compensated at one and a half the regular hourly rate of pay.
- For 37.5-hour per week employees, the overtime pay is at the regular hourly rate until they work over 40 hours in a given week.
- Compensatory pay (comp time) is an alternative to payment of OT and is earned at the same rates as above.
 - Comp time is being phased out in 2016-2017.
 - It can be earned until 11/30/16
 - It must be used by 6/30/17 (if unused by 6/30/17, it will be converted to an OT payment)

☐ Flex time is permitted within the same week

- An employee's hours may fluctuate day-to-day in a given week, while the total hours remain the employee's standard weekly hours.
- Flex time must be pre-approved by the employee's manager.