



University of Alaska

UA HR

Fair Labor Standard Act

rev. 2024

Objective

To understand how the fair labor standards act impacts the daily work, compensation, and work schedules for all employees at the University of Alaska.

Employment Relationship Principles

- Work is defined as:
 - An activity that serves the employer's purpose
- Supervisors have the authority to:
 - Define work
 - Assign work
 - Control work
 - Control the workplace
- Employees have the right to be paid for all hours worked & reported
- **Everybody has an obligation to be accurate in time recording**

rev. 2024



UNIVERSITY
of ALASKA
Many Traditions One Alaska

Fair Labor Standards Act

- Minimum wage
- Overtime pay and exemptions
- Recordkeeping
- Youth employment standards

Fair Labor Standards Act

- Minimum wage
 - \$7.25 per hour
- Overtime pay
 - Not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.
- Recordkeeping
 - Official [posters outlining FLSA](#)
- Youth employment
 - Protection for minors to protect their educational opportunities and prohibit their employment in jobs under conditions that detrimental to the health and wellbeing.

FLSA Exemptions

- Exemption Tests
 - DOL has established tests to determine if a position fits into one of the exempt categories
 - EE is exempt from minimum wage and overtime regulations only if that position meets all the requirements of one of the tests
- Liability for Misclassification
 - DOL audits
 - Fines
 - Willful violation
 - Damages
 - Class-action lawsuits
 - Morale issues

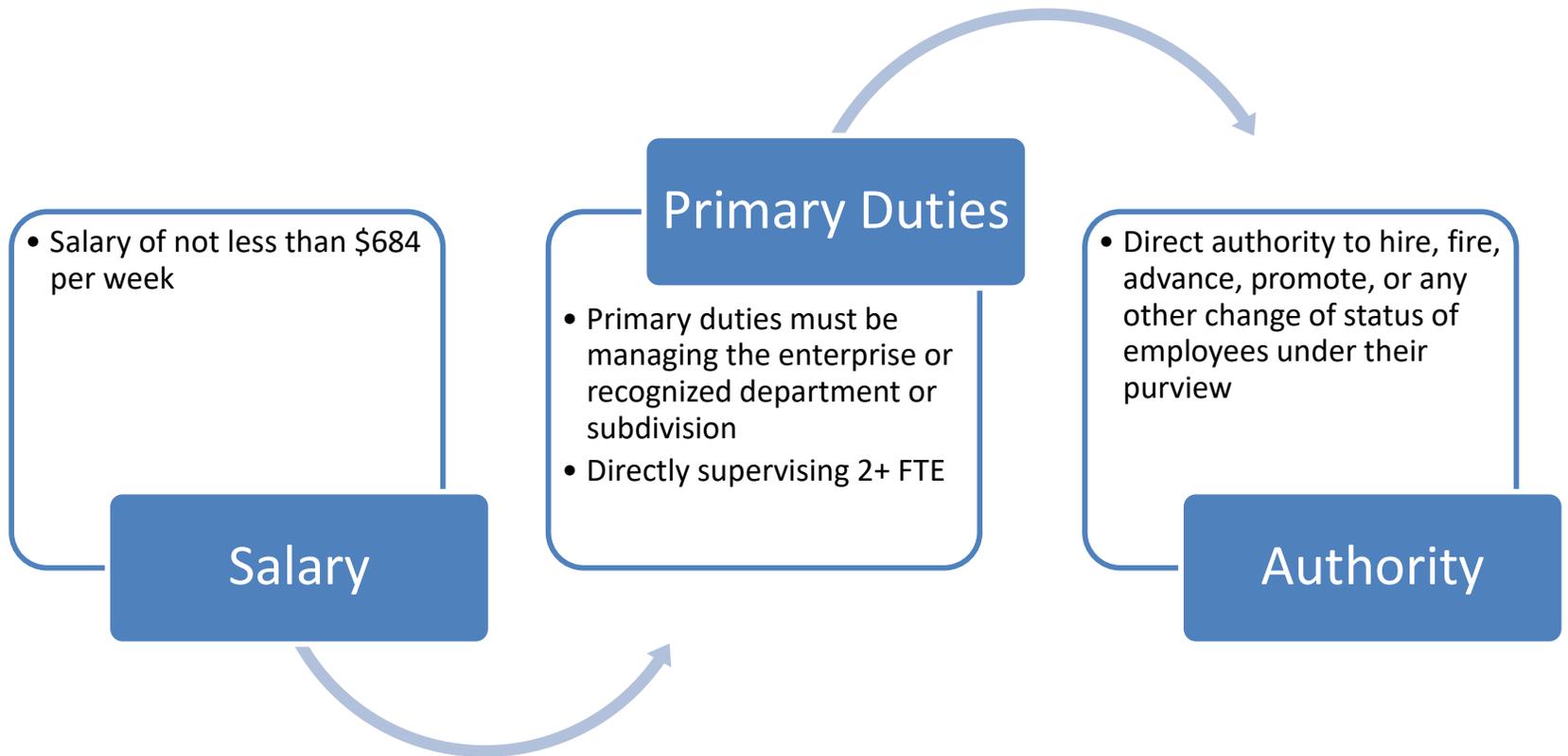
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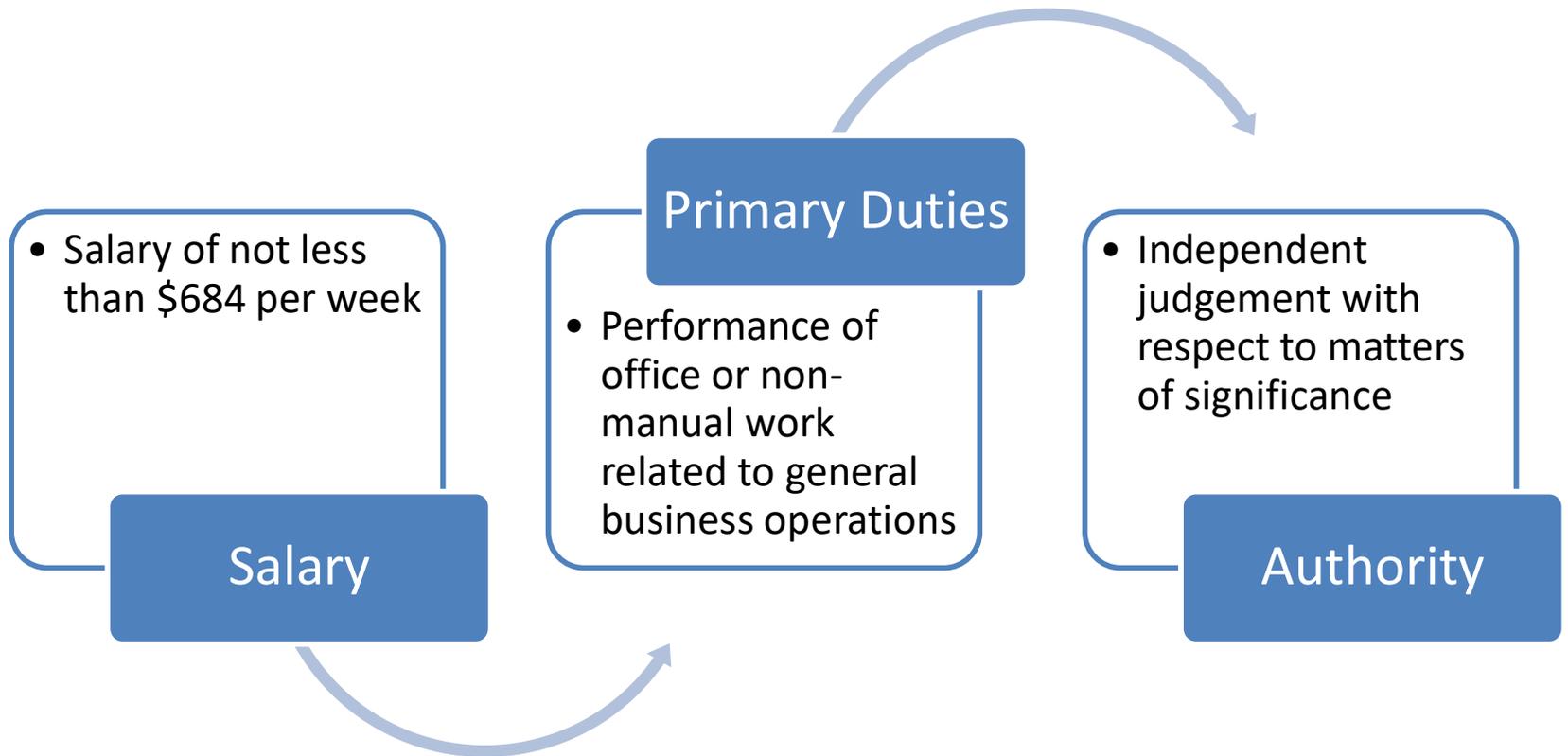
FLSA Employee Categories

- Exempt
 - Paid on a salary basis
- Non-exempt
 - Paid on an hourly basis
 - Subject to overtime

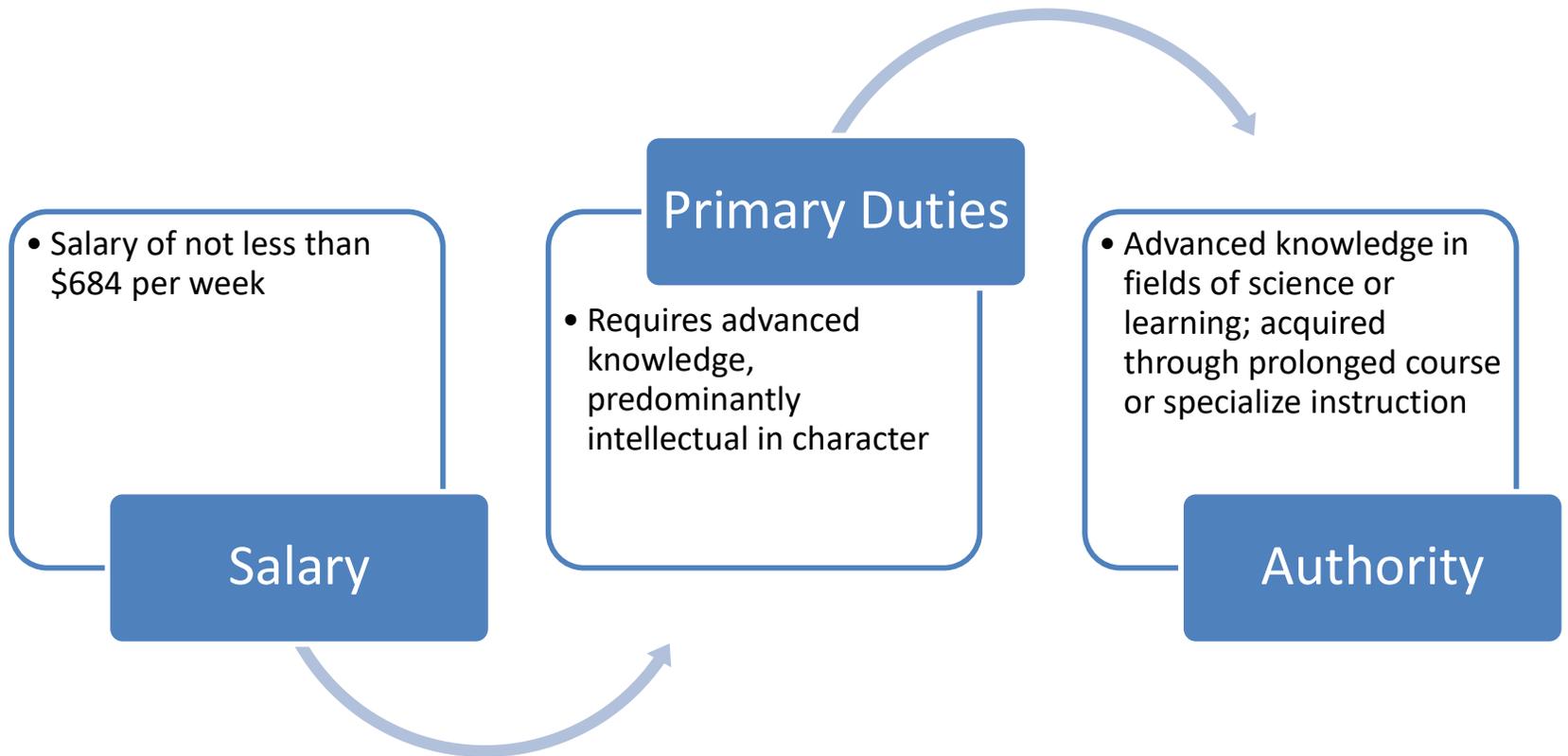
FLSA Executive Exemption



FLSA Administrative Exemption



FLSA Professional Exemption



FLSA Teaching Exemption

- Salary basis test does not apply if a bona fide teacher meets the duties requirements

Salary

Primary Duties

- Primary duties of teaching, tutoring, instructing, or lecturing to impart knowledge, as an employee of an educational establishment



FLSA Creative Exemption

- Salary of not less than \$684 per week

Salary

Primary Duties

- Performing work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor



FLSA Computer Employee Exemption

- Salary of not less than \$684 per week
- OR, if compensated on an hourly basis, at a rate not less than \$27.63 an hour

Salary

Primary Duties

- Employed as a computer systems analyst, computer programmer, software engineer or other similarity skilled worker

FLSA Highly Compensated Exemption

- Salary of not less than \$684 per week
- With total compensation minimum of \$107,432

Salary

Primary Duties

- At least one of the duties under the executive, administrative, or professional exemption

FLSA Required Non-Exempt

- Work involving repetitive operations with their hands, physical skill and energy
- FLSA-covered, non-management employees in production, maintenance, construction workers and laborers are entitled to minimum wage and overtime premium pay, regardless of compensation

Blue-Collar

Police & Fire Fighters

- Police officers and fire fighters are never exempt from FLSA regulation and are entitled to minimum wage and overtime premium pay, regardless of compensation



Travel Time

- Reference [BOR Policy and Regulation 05.02.060](#)
- Time spent traveling during normal work hours is considered compensable work time
- A traveler is considered in travel status from the time the traveler leaves a work station/residence to when the traveler returns to from his/her work station (during work hours) or residence (outside of work hours)
- A traveler is not in travel status for local travel within a 50 mile driving radius of his/her residence or work station
- Travel status sets the time frame of business travel for per diem, compensation, allowable business expense, and insurance
- See regulation for detailed exceptions and caveats around travel timing

Travel Time (Non-Exempt)

- Work time – Employees must be paid for all hours worked
- Breaks – Must be paid for rest or meal periods lasting 20 minutes or less
- Overtime and Leave – Employers must include time worked on the business trip when calculating OT and using annual, sick, and holiday pay
- Time Spent Waiting – may be eligible for pay when they spend time waiting while on the business trip
- Travel Pay – one day travel vs. multiple days

Travel Time (Exempt)

- Employees are paid during the normal business hours (ie. 8 am to 5 pm)
- Weekend travel is not compensated
- Potential Flex days during the pay week in which you travel if you travel on the weekend

Comp Time

- Comp Time = Compensatory time in lieu of overtime pay
- Accrued at premium rate (time and a half)
- UA BOR Policy and Regulation
 - R04.05.020.D.1.b *“Nonexempt employees will not be eligible for compensatory time-off in lieu of overtime pay. This regulation does not prohibit the arrangement of flexible working schedules for employees which do not exceed 40 hours in any work week.”*

Flex Time

- A flexible work schedule is an alternative to the traditional 8am to 5pm, 40-hour work week. It allows employees to vary their arrival and/or departure times.
- A supervisor can adjust an employee's work schedule within a work week (not a pay period)
- Flexible schedules can occur each work week as necessary

Non-work time

UA Best Practices

- Lunches

- 30-60 minute breaks for meal times that are not compensable
- If a non-exempt employee continues to work during their meal lunch time, this is considered compensable
- If you work more than 6 hours in a day you are required to take a 30-minute lunch

- Breaks

- Usually taken for 5-20 minutes, are considered compensable time
- Breaks are not mandatory

Additional Considerations

- The Patient Protection and Affordable Care Act

“PPACA”

- Break times for nursing mothers for one year after the child’s birth

- A clean, private environment that is not a bathroom

- Timing for these breaks fluctuates by the individual needs of the employee



QUESTIONS

Thank you!

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