FLSA FAQs

Q1: What is the FLSA (Fair Labor Standards Act) and why is it important?
A: The Fair Labor Standards Act is a federal law which establishes minimum wage, overtime pay eligibility, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. Based on the federal law, the University is required to comply with the FLSA regulations.

Q2: Why and when are the regulations changing?
A: The goal is for more non-exempt employees to be eligible for overtime. The implementation date of the updated regulations is December 1, 2016.

Q3: Why does the FLSA matter to me?
A: The FLSA includes regulations which dictate whether a position can be classified as exempt (salaried) or non-exempt (hourly) based on salary level and primary duties of the position. The FLSA also determines if an individual that works over 40 hours during a week is eligible for overtime or not.

Q4: What does exempt and non-exempt mean?
A: To qualify as exempt from overtime, a position must meet the salary test and the primary responsibilities must meet the duties test. Positions with primary job responsibilities that do not meet the salary and primary duties test are classified as non-exempt and are eligible for overtime pay (this includes all hours worked over 40 in a workweek).

Q5: What are the criteria used to determine if an employee can be classified as exempt?
A: Final regulations state that an employee will be classified as exempt if the employee is compensated on a salary basis at a rate of $47,476 (annualized) or more AND:
- The employee’s primary duties involve managing a department or unit including employment related decisions for the work of at least 2 full time equivalents,
- The employee’s work requires advanced knowledge acquired by a prolonged course of study,
- The employee produces work that is original and creative and requires invention, imagination, or talent, and/or
- The employee’s duties are directly related to management/operations that include the exercise of discretion and independent judgment with respect to matters of significance.
  *Please contact askHR@baylor.edu or 710-2000 for any questions regarding this test.

Q6: Who determines whether jobs are exempt or non-exempt?
A: The Human Resources department uses the FLSA duties test as a guide to determine the classification based on the job description, comparable positions, and discussions with the supervisor and/or department head.

Q7: If my position becomes non-exempt, will I be responsible for logging my time?
A: Yes, it is the employee’s responsibility along with supervisor assistance to electronically track all actual hours worked using BearWeb.
Q8: I don’t know how to complete a timecard. Who do I contact with questions?
A: The timecard will be completed and submitted through BearWeb. An instructional video and written resource guide is provided through HR and Payroll to provide training to employees without current experience using BearWeb to enter their time. For additional information, visit www.baylor.edu/payroll or call the Payroll Office at 254-710-2217.

Q9: Will changing to non-exempt status reduce my salary?
A: If you work 40 hours a week, your annualized salary will remain the same; however, if you work over 40 hours during a work week, you will be eligible for additional overtime pay. Overtime hours must be pre-approved by your supervisor.

Q10: Will my benefits change if my position is reclassified to non-exempt?
A: Most benefits remain in place. The dining benefit is the only one that will change. An exempt employee currently receives access to the McMullen Faculty Dining Center. Non-exempt employees get 50% off of dining locations in the Student Union Building (SUB) including, but not limited to, Chick-Fil-A, Freshii, and Mooyah. This benefit will be active on your current ID card effective Wednesday, November 16.

Q11: Am I being demoted if I move to non-exempt status?
A: No. The classification of the position as exempt or non-exempt does not reflect the responsibility level or significance of the position. As long as you work 40 hours per week your pay will not change; however, if you work over 40 hours during a week, you will be eligible for overtime pay.

Q12: What is considered overtime and how is the pay determined?
A: Any time worked over a total of 40 hours in a work week is considered overtime. This includes answering work-related emails from home outside of the normal work schedule, staying late to finish an assignment, or any other item related to work for Baylor University. The rate of pay for overtime is 1½ times the regular hourly rate of pay. Overtime pay requirements and allowances are outlined by the FLSA. If you have questions about what time is considered overtime, please contact askHR@baylor.edu or 710-2000.

Q13: Does overtime have to be authorized by a supervisor prior to an employee working over 40 hours?
A: Yes, any work to be performed outside of normal work hours should be authorized and approved in advance by the employee’s supervisor.

Q14: My current title is Manager and I am paid monthly. Is my position exempt from overtime pay?
A: Job title does not determine classification status. For an exemption to apply, an employee’s specific salary and job duties must meet all of the applicable requirements outlined within the FLSA regulations.

Q15: What happens if a non-exempt employee works beyond the scheduled hours of their position or works at home without prior authorization?
A: If the employee does work, even without prior authorization or permission, the individual is required to be compensated in accordance with the law. This time will need to be entered into BearWeb. It is the duty of the supervisor to see that work is not performed beyond scheduled hours without prior approval.
Q16: Can non-exempt employees work through lunch or break time?
A: Yes, as long as they are working either 40 hours a week or staying within a pre-approved amount of overtime. Since work is being done, the hours during the lunch or break time must be recorded as work hours.

Q17: Can I volunteer to complete work in the evenings or on weekends without compensation?
A: No. A non-exempt employee cannot volunteer to work off the clock and cannot waive their rights under the FLSA. Due to the University’s primary business, we are not allowed to have individuals volunteer.

Q18: May I work a flexible or adjusted schedule to stay within 40 hours per week?
A: Yes, with approval from the supervisor, an employee may adjust the work schedule within each work week to offset extended work days and prevent overtime, if needed. For example, if an employee needs to stay and work into the evening, it is possible to have them come into work later than usual the next day or some other time that work week in order to offset that time. An employee could also flex their schedule to leave early during that work week to offset that time.

*If you have any additional questions, please feel free to contact please contact the HR Service Center at askHR@baylor.edu or 710-2000.