



# NEW FLSA REGULATIONS | HOW DO THEY AFFECT MY REPORTS

APRIL 2024



# of Labor

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- [U.S. Department of Labor](#) > [Wage and Hour Division](#)
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    - [Fact Sheet #17A](#) Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA)
    - [Fact Sheet #17S](#) Higher Education Institutions and Overtime Pay Under the Fair Labor Standards Act (FLSA)
    - [Fact Sheet #17H](#) Highly Compensated Workers and the Part 541 Exemptions Under the Fair Labor Standards Act (FLSA)




# Dates



The final rule will increase the standard salary level and the highly compensated employee total annual compensation threshold on the rule's effective date on July 1, 2024, when changes in the methodologies used to calculate these levels become applicable.

The final rule also provides for future updates of these levels every three years to reflect current earnings data.

# of Exempt Tests



- The Department's regulations also provide an alternative test for certain highly compensated employees who are paid a salary, earn above a higher total annual

# of Exempt Tests

Continued

- Paid at a rate not less than \$844 per week or \$43,888 per year
- Primary duty must be the performance of office or non manual work directly related to management or business operations of the employer or the employer's customers.
- Primary duty includes exercise of discretion or independent judgment with respect to matters of significance
- Academic counselors and other employees with similar responsibilities may paid at least equal to the entrance salary for teachers in the same educational establishment- \$844 per week at USF.

# of Exempt Tests

Continued

- Paid at a rate not less than \$844 per week or \$43,888 per year
- The primary duty must consist of:
  1. The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
  2. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs,
  3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
  4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

# of Exempt Tests

Continued

- **Learned Professional**
  - Paid at a rate not less than \$844 per week or \$43,888 per year
  - Primary duty must be the performance of work requiring advanced knowledge, primarily intellectual in character, and requiring the exercise of discretion and judgment
- **Creative Professional**
  - Paid at a rate not less than \$844 per week or \$43,888 per year
  - Primary duty must be the performance of work requiring invention, imagination, originality or talent
- **Teachers**
  - The salary basis requirement does not apply to bona fide teachers



# Education

- Are not subject to the threshold
  - If work is related to course of study or
  - If assisting with research or
  - If work is instructional
  
- Are not students or teachers
- Are subject to the threshold
  - The President and senior leadership made the decision to bring all Postdoctoral positions to the threshold except for those who are parttime. Parttime will be paid at an hourly equivalent.

- Total annual compensation does not include \$16,100,000

# Education

Continued

# for Nonexempt Employees

- They will have to complete a time sheet
- They will become eligible for overtime
  - Over 40 hours in workweek
  - Work week at USF is Friday to Thursday
  - Schedule can be altered within workweek to avoid OT. Requires prior notification.
  - Must have supervisor's approval
- Compensatory time is allowed for government agencies
  - Compensatory time agreement employee must agree to compensatory time
  - Must use compensatory time first before any leave
  - May need to use within certain time limits
  - Maximum accrual of 120 hours

Compensatory time is a permanent obligation that must be used or paid.

# Work?



- Evening emails
- Eating lunch at desk
- Texting
- Phone calls after work
- On call situation
- Volunteering for homecoming float
- Travel to professional development conference

If it could in anyway be related to professional work, reach out for prior approval.

# Classification



- Their work is still considered professional
- Some classifications may be revised to multiple levels in the future

The New

# Show and Tell



## Forms Library

- Time Sheet Instructions
  - [Staff/Non-Exempt Administration Timesheet Instructions](#)
  - [Temporary \(Hourly\) Timesheet Instructions](#)

- Human Resources



