

# FAIR LABOR STANDARDS ACT (FLSA) FACT SHEET FOR SUPERVISORS

**Clemson University,  
Office of Human Resources (OHR)**

On May 18, 2016, The U.S. Department of Labor (DOL) issued its Final Rule on the Fair Labor Standards Act (FLSA), updating the salary threshold to protect a greater number of U.S. This federal mandate becomes effective December 1, 2016.

Under the federal mandate, a number of Clemson University employees will transition from an exempt status to a nonexempt status. As of December 1, 2016, these employees will experience two changes:

- They will be required to track and report all hours worked.
- They will be eligible for compensatory time (or overtime pay) if they work more than 40 hours per workweek.

The Office of Human Resources (OHR) recognizes this ruling will affect both you as a supervisor and the employees you supervise. Employees who are being required to transition from exempt to nonexempt may perceive this as a loss of status and flexibility, so OHR is providing the following information as it relates to the FLSA to better equip you to manage these changes and to assist you with communicating the changes to your employees:

- The FLSA was created by the federal government to protect nonexempt employees from not being compensated for time worked over 40 hours; The University must comply with all state and federal regulations.
- Nonexempt employees are eligible for compensatory time (or overtime pay) once they have worked more than 40 hours in a workweek. At Clemson University the workweek is defined as Sunday through Saturday.
- Nonexempt employees will experience no change to their benefits (specifically insurance and retirement).
- Most nonexempt employees will earn compensatory time for hours worked over 40 in a workweek, allowing them to accrue more time off at a later date (comp time).
- Nonexempt employees will experience no change to their paycheck every pay period unless they work more than 40 hours in a workweek and receive overtime pay instead of comp time.

The same employees may have difficulty adjusting to new requirements that support the University's compliance to the FLSA, so OHR is providing the following procedural information to better equip you and your employees to manage these changes:

- Set the expectation with your employees that you will work together as a team to adjust to the FLSA changes.
- Provide clear communication and expectations on the following:
  - Work schedules; the standard work schedule is Monday through Friday 8 a.m. to 4:30 p.m. with an hour for a meal break. Some employees' schedules can be adjusted to meet the needs of the business within a workweek.
  - Timekeeping; nonexempt employees are required to record their "In" and "Out" times either in Kronos or on a University-approved timesheet, depending on your budget center.
  - Nonexempt employees should only read and/or respond to work emails, texts or calls outside their standard work hours if it is an emergency or they have been instructed to do so by their supervisor. This time is to be recorded as time worked.
- Stipulate that all over time hours worked must be pre-approved.
- Have employees record all of their time worked in Kronos or the approved Clemson University timesheet.
- Do not allow your employees to volunteer their time, and do not ask them to work "Off the clock".
- Review and approve your employees' time sheets for accuracy every pay period.

If you or your employees have questions about the new FLSA standards, contact [ASK-HR](#).