



# HUMAN RESOURCES

## Fair Labor Standards Act (FLSA) Quick Reference Guide for Supervisors

Exempt (salaried)		Non-Exempt (hourly)	
<ul style="list-style-type: none"> <li>Does not earn overtime or compensatory time for working more than 40 hours in a workweek</li> <li>Must meet the requirements of the FLSA exemptions set by the Department of Labor</li> </ul>		<ul style="list-style-type: none"> <li>Earns overtime or compensatory time for working more than 40 hours in a workweek.</li> </ul>	
<b>Workweek</b>	At OSU, “workweek” is defined as Sunday at 12:00am through Saturday at 11:59pm.		
<b>Hours Worked</b>	<ul style="list-style-type: none"> <li>All hours worked for the benefit of OSU</li> <li>Short break of 15 minutes or less, scheduled by unit administrator</li> <li>Time spent waiting or downtime during the workday</li> <li>Hours worked beyond the normal schedule (whether approved or not)</li> <li>NOT commute to work or meal breaks</li> </ul>		
<b>De minimis</b>	An insubstantial or insignificant period of time outside the scheduled working hours that cannot be practically or precisely recorded, i.e. a few seconds or minutes of work.		
<b>Overtime</b>	Pay for working more than 40 hours in a workweek; paid at 1.5x the employee’s regular rate of pay. Paid time off does not count as hours worked for purposes of overtime. (Non-exempt employees only)		
<b>Compensatory (Comp) Time</b>	In lieu of paying a non-exempt employee for overtime worked, employees may earn compensatory time off at the rate of one and one-half hours for each hour of overtime worked. Comp time in place of overtime is at the department’s discretion. Comp time may be accrued up to a maximum of 240 hours.		
<b>Flexible Work Arrangements</b>	A way to help provide scheduling flexibility to employees and potentially avoid overtime/comp time. For instance, an employee may be approved to work 7:00 am to 4:00 pm instead of 8:00 am to 5:00 pm, or a supervisor may allow an employee to start work late after working late the day before. To avoid overtime/comp time, the time must be flexed within the same workweek.		
<b><u>OSU Related Policies</u></b>	<a href="#">3-0742</a> Timekeeping and Overtime, <a href="#">3-0713</a> Attendance and Leave for Staff.		

# FLSA Exemption from Overtime Flowchart



## Frequently Asked Questions & Special Situations

### Do I need to record time for the training program my employee attended?

Attendance at lectures, meetings, training programs and similar activities are generally counted as work time. This time may not be counted as working time **ONLY IF ALL** four criteria below are met:

- It is outside normal hours
- It is voluntary
- Not job related, and
- No other work is concurrently performed.

### How do I record travel time?

- **To and from work:** this is not work time and is not compensable.
- **One day out-of-town travel:** If a non-exempt employee travels out of town for less than one day, the employee must be paid for all travel time, excluding travel time from home to public transportation and bona fide mealtimes.
- **Travel during the workday:** time spent by an employee on travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.
- **Overnight travel:** Pay is due for time spent traveling (except for meal periods) during their normal working hours on their regular working days as well as during normal working hours on their non-working days. For instance, if an employee's regular work schedule is 8 am – 5 pm Monday through Friday, any travel on Saturday and Sunday between those hours is also compensable.

### What if my employee works outside of their normal scheduled hours?

Work not requested but performed is still work time that must be paid.

### Are breaks (rest periods) paid time?

Non-meal breaks of 15 minutes or less are paid time and count as hours worked. Please refer to [Policy 3-0713 Attendance and Leave for Staff](#) for additional information on rest periods. Rest periods are scheduled by the unit administrator.

Have additional questions regarding FLSA? Please contact your [Human Resources Consultant](#) for additional information, or visit our [FLSA resource page](#).