

Non-Exempt Employee FLSA Pay Chart

| Time Spent During Working Hours | | |
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| Compensable Time (Paid Time) | Non-Compensable Time (Unpaid Time) | Examples |
| <p><u>'Employed' Time:</u></p> <ul style="list-style-type: none"> All time in which employee is necessarily required to remain on the premises, on duty or at a prescribed work place. | <ul style="list-style-type: none"> A meal break the employee is permitted to leave the premises for, whether they choose to leave or not. | <ul style="list-style-type: none"> If an employee is permitted to leave the premises at their lunch period, they are not compensated. |
| <p><u>Employees 'Suffered/Permitted' to Work:</u></p> <ul style="list-style-type: none"> Any work, even if voluntary, which the employee performs. The reason is immaterial – the hours are work time and are compensable. This includes time spent changing clothes for the job, powering up equipment, etc. | <ul style="list-style-type: none"> Time spent on preparatory and concluding activities, such as changing clothes for the employee's convenience, putting away tools if enough time is already allowed, or waiting in line to punch in or out. | <ul style="list-style-type: none"> Although you may not have asked the employee to do work, or permitted overtime, if they perform the work they must be paid. Contact Employee Relations in HR to discuss situations in which an employee has performed work not permitted.* |
| <p><u>Rest & Meal Periods:</u></p> <ul style="list-style-type: none"> Rest periods of short duration, usually 15 minutes or less, promote efficiency of an employee and are customarily paid. | <ul style="list-style-type: none"> Unauthorized extensions of authorized work breaks so long as the employee has been told 1) the break may only last a specific length of time, 2) any extension is contrary to rules and 3) will result in disciplinary action. | <ul style="list-style-type: none"> An employee takes a break of 30 minutes, however, their supervisor has stated the break may only last 15 minutes and any break lasting longer than 15 minutes is against policy and subject to disciplinary action. The first 20 minutes of the break must be paid, the remaining 10 minutes are unpaid. Contact Employee Relations in HR to discuss next steps, up to and including corrective action. |
| <p><u>Rest & Meal Periods:</u></p> <ul style="list-style-type: none"> Meal periods, typically 30 minutes or more, in which the employee is required to perform any duties, whether active or inactive, while eating. | <ul style="list-style-type: none"> Meal periods, typically 30 minutes or more, are not compensated so long as the employee is completely relieved from any duties. | <ul style="list-style-type: none"> An employee is permitted to take a 45 minute meal period, however, they must remain in the office to answer an occasional phone call. This employee must be compensated for the full meal period. |
| <p><u>Sleeping Time & Certain Other Activities:</u></p> <ul style="list-style-type: none"> An employee who is required to be on duty for LESS than 24 hours must be paid for time which they are permitted to sleep or engage in other personal activities when not busy. | <ul style="list-style-type: none"> An employee who is required to be on duty for 24 hours or MORE, may agree with the supervisor to exclude regularly scheduled sleeping periods (no longer than 8 hours and no less than 5 hours) from compensable time, provided adequate sleeping facilities are provided by the University. | <ul style="list-style-type: none"> An employee is working a shift lasting from 12am-8pm. During the employee's downtime, they are permitted to rest. The employee must be paid for the entire duration of the 20 hours. If the employee is working 12am-8pm the following day, you may exclude 8 hours of sleep from compensable time so |

| | | long as the University provided the employee a sleeping facility. |
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| Time Spent Before, After or Between Regular Work Hours | | |
| Compensable Time (Paid Time) | Non-Compensable Time (Unpaid Time) | Examples |
| <u>Lectures, Meetings and Training Programs:</u> <ul style="list-style-type: none"> Attendance at lectures, meetings, training programs and similar activities which are either 1) inside normal work hours, 2) is required/mandated, 3) is job related or 4) work is concurrently being performed along with attendance. | <ul style="list-style-type: none"> Attendance at lectures, meetings, training programs and similar activities are not compensable provided: 1) it is outside normal hours, 2) it is voluntary, 3) it is not job related, <u>and</u> 4) no other work is concurrently performed. | <ul style="list-style-type: none"> An employee who typically works Monday thru Friday, 8:30am to 5pm attends a department required lecture on a Thursday evening at 8pm. The employee must be paid for attendance as it was a requirement of their position. |
| <u>Travel Time:</u> <ul style="list-style-type: none"> The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved. SEE TRAVEL CHART. | <ul style="list-style-type: none"> The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved. SEE TRAVEL CHART. | <ul style="list-style-type: none"> SEE TRAVEL CHART. |
| <u>'Off-the-Clock' Time:</u> <ul style="list-style-type: none"> An employee must be paid for all time worked in a workweek, even if work is performed outside the employee's regular workday. An employee who brings work home or responds to e-mails from home before or after the regular workday must be compensated for the full length of time worked. | <ul style="list-style-type: none"> As noted above - Time spent on preparatory and concluding activities, such as changing clothes for the employee's convenience, putting away tools if enough time is already allowed, or waiting in line to punch in or out. | <ul style="list-style-type: none"> An employee who reports to the office 30 minutes early each day due to the bus schedule must be paid for that time if they begin working prior to the scheduled start of the work day. They must be paid even if they do not record on the time on their time sheet. An employee who sends e-mails outside of their normal working hours must be compensated for that work, regardless of whether they noted it on their time sheet. |
| <u>Attendance at Receptions, Dinners & Other Social Events:</u> <ul style="list-style-type: none"> Any time which an employee is required to attend a reception, dinner, happy hour, or other social event, must be compensated, even though the employee is not performing work they normally perform in the office. | <ul style="list-style-type: none"> Any time which an employee spends at a reception, dinner, happy hour, or other social event if it was not required and they were not 'pressured' to attend the event. | <ul style="list-style-type: none"> You suggest to an employee they attend an after work hours social event to increase their number of networking contacts to assist with their job. You must pay the employee for the time at the social event – although you did not state it was 'mandatory' or 'required,' your connection of the event to work duties could be seen as pressuring the employee to attend. |

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| <p><u>Volunteer Activities:</u></p> <ul style="list-style-type: none"> Any time an employee spends at a mandatory “volunteer” or “team building” opportunity. | <ul style="list-style-type: none"> Any time in which an employee volunteers to work an event outside of regular work hours and is not performing work regularly performed. | <ul style="list-style-type: none"> A research assistant who volunteers to be a greeter at an event on Saturday night (outside their normal hours), and is not required to volunteer, does not need to be paid. |
| On-Call Hours | | |
| Compensable Time (Paid Time) | Non-Compensable Time (Unpaid Time) | Examples |
| <p><u>On-Call Time:</u></p> <ul style="list-style-type: none"> All time in which an employee is on-call and required to remain on the employer’s premises. | <ul style="list-style-type: none"> Time in which the employee is on-call at home (please note – additional constraints regarding an employee’s autonomy could alter this). Time in which the employee is on-call but allowed to leave to leave a message on where they can be reached. | <ul style="list-style-type: none"> An employee who is on-call and required to stay in a certain location must be paid for the time spent on-call. NOTE: The University provides further compensable time for on-call/stand-by situations. See PER 3.08 and contact Employee Relations in HR to discuss applicability of the policy to your employee. |
| <p><u>Waiting Time:</u></p> <ul style="list-style-type: none"> All time in which an employee is engaged to wait for an action or duty. All time in which an employee is not performing work, but is waiting for an assignment and is not free to leave. | <ul style="list-style-type: none"> All time in which an employee is waiting to be given a work task. If an employee is told they may leave and come back in a few hours, the time is not compensable. | <ul style="list-style-type: none"> An employee who is waiting for a call from their supervisor to assign them work tasks must be paid as they are not free to leave. |

Overtime Compensation at the University of Louisville:

Under FLSA (Fair Labor Standards Act), no employee may be employed for more than 40 hours in a week without receiving at least one and one-half times their regular rates of pay for the overtime hours.

The University of Louisville employs staff who work for 40 hours per week as well as staff who work for 37.5 hours per week. Note, an employee working 37.5 hours per week will enter ‘overtime straight’ between the hours of 37.5 and 40, however, that portion of overtime will remain at their regular hourly rate. When a 37.5 hour employee or a 40 hour employee works more than 40 hours, they will begin receiving overtime at a rate of one and one-half times their regular rate.

*Non-exempt employees should be instructed not to perform work beyond their regular work schedule unless they receive prior approval from their supervisor. If an employee fails to obtain approval but performs work, he or she MUST still be compensated for that time, but the University may address the situation as a disciplinary matter. Supervisors should carefully consider work schedules for non-exempt employees, and establish policies regarding off-the-clock work to avoid potential violations of overtime requirements. For example, if you know your non-exempt employee (regularly scheduled M-F, 9am-5pm) will need to work until 9pm one evening, you may use a flexible scheduling approach to set their hours by notifying them two weeks in advance their hours will be changed to 1pm-9pm on that day.