

**Fair Labor Standards Act Summary Sheet**

**What the Federal Law Says**

* The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping and youth employment standards.
* Covered nonexempt employees (BGSU Classified Staff and Students) must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay.
* The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.
* Averaging of hours over two or more weeks is not permitted.
* Hours worked ordinarily include all the time during which an employee is required to be on the employer’s premises, on duty, or at a prescribed workplace.
* All hours worked above forty (40) in one week must be taken as either compensatory time or overtime (at one and a half times) to be paid out in that pay cycle as overtime.
* The Office of Human Resources, following the guidelines of the Department of Labor, determines which positions are hourly and which are salaried.

**What the BGSU Classified Staff Handbook Says**

• The BGSU workweek, as defined above, is Sunday through Saturday.

• All classified staff hours worked must be reported through the Self Service Time and Labor system and approved by the supervisor.

* All student employee hours worked must be reported………….and approved by the supervisor.
* A total of 40 hours per week is the standard, no matter how hours may be arranged.
* Not reporting all hours worked is a violation of BGSU, state, and federal policy.
* All classified staff members are entitled to overtime pay for hours worked resulting in more than 40 hours of active pay status in a work week (includes work time, sick leave, personal leave, vacation and compensatory time used).
* Overtime may be either one-and-one-half times the total rate of pay, or compensatory time at one-and-one-half times the overtime hours worked.
* Compensatory time must be used at a time mutually agreeable between the employee and supervisor.
* The choice of taking overtime pay or compensatory time off is the employee's alone and cannot be altered by the immediate supervisor.
* A maximum accrual of 240 hours of compensatory time for all employees other than law enforcement officers. When the maximum number of hours of compensatory time accrual is reached, payment for overtime will be made.

**Additional Information**

* <http://www.dol.gov/whd/flsa/>
* <http://www.bgsu.edu/content/dam/BGSU/human-resources/documents/resources/Handbooks/Classified-Staff-Handbook.pdf>

**Examples**

Situation #1- An hourly employee goes to their supervisor and has a question regarding extra time that they have worked that week. The incumbent has worked eight (8) hours over the forty (40) hours. In addition, the employee has a total of two hundred thirty eight (238) hours of compensatory time accrued already. As the direct supervisor, what would be the correct response to the employee?

1. Direct supervisor shouldn’t assist at all; it is the employee’s choice whether they want to take the time as overtime or use it as compensatory time.
2. Suggest to the employee to spread the hours out and adjust their schedule them over the course of the next week as they see fit as it complies with the law.
3. Discuss with employee that it is their choice how they decide to use the extra time, but remind them that they can bank only 240 of compensatory time and the rest they should use as overtime.
4. Choice A or choice B are correct.

Situation #2- An hourly employee worked fifty five (55) hours in the first week of a pay period and went to the supervisor to ask about how many hours they should work in the second week of the pay period. As the direct supervisor, what would be the correct response to the employee?

1. Suggest to the employee that they work only twenty five (25) hours the second week to balance the bi-weekly pay schedule and not bother reporting anything in the time and labor system.
2. Tell the employee that they have to report the extra fifteen (15) hours in the first week as either compensatory or overtime through the time and labor system. The second week would be a normal work week of forty (40) hours.
3. Allow the employee to work their regular work schedule (40 hours) the second week. Counsel them to report the extra fifteen (15) hours as either compensatory time or overtime to be paid in that pay check for the second week.
4. Any of the above.

Situation #3-An hourly employee reports overtime used for the first week of a pay period, and works over forty (40) hours for the second week (again) and wants to take it as overtime. However, they didn’t ask their supervisor for approval prior to working the overtime for the second week. As the direct supervisor, how would handle the situation?

1. Allow payment for the overtime
2. Do not allow payment and tell the employee that they must have approval prior to working overtime in the future?
3. Allow payment of the overtime *AND* tell them they must have approval prior to working overtime in the future?
4. None of the above.

Situation #4- An hourly employee works a holiday (Monday) and the rest of the normal workweek for a total of forty (40) hours. The employee asks their supervisor if they are eligible for holiday pay or overtime because they worked the holiday. As the direct supervisor, what would be the correct response to the employee?

1. Citing the Fair Labor Standards Act, the supervisor says that the employee is not eligible for any additional pay beyond the forty (40) hour work week.
2. Citing the Classified Staff handbook, the supervisor says that the employee is entitled to holiday pay for the eight (8) hours worked on the Monday. Holiday pay is defined as hourly time and a half.
3. Tell the employee that they get strait, normal pay, as the Fair Labor Standards Act and the Classified Staff Handbook are in violation of one another as to how to pay the employee.
4. None of the above.