



SUB-TOPIC

FAIR LABOR STANDARDS ACT (EXEMPT STATUS)

I. Policy

It is the policy of The University of Texas at Dallas (the University) to comply with the Fair Labor Standards Act (FLSA), as amended. The FLSA establishes the federal minimum wage, overtime regulations, child labor regulations and related record keeping requirements for employers.

II. Minimum Wage

The University will pay all employees, including student workers, at least the federal minimum wage required by the FLSA.

III. Overtime

A. University employees employed in a bona fide executive, administrative or professional capacity, as defined by the Secretary of Labor, are exempt from the minimum wage and overtime provisions of the FLSA.

I. Subject to the following exceptions, an exempt employee will receive full salary for any week in which work is performed without regard to the days and number of hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

- a. Deductions may be made when the employee absences himself or herself from work for one or more full days for personal reasons, other than sickness or disability or other circumstances for which leave with pay or release time is available.
- b. Deductions may be made for absences of a day or more occasioned by sickness or disability (including work-related accidents) if the deduction is made after exhaustion of paid sick leave or workers' compensation benefits.
- c. Deductions may be made for penalties imposed for infractions of significant safety rules relating to prevention of serious danger to the workplace or to other employees.
- d. Deductions may be made for disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules.
- e. Full salary is not necessary in the initial or terminal week of employment where a proportional part of the salary is paid for time actually worked.



SUB-TOPIC

FAIR LABOR STANDARDS ACT (EXEMPT STATUS), Continued

2. Deductions may be made for absences of less than one day for personal reasons or due to sickness when accrued leave is not used because permission for its use has not been sought or has been denied, accrued sick leave and vacation have been exhausted, or the employee chooses to use leave without pay.
3. An exempt employee who believes his or her pay has been subject to improper deductions under this policy should immediately contact the Office of Human Resources. The complaint will be investigated and resolved in accordance with the University grievance procedure, D8-140.0.
4. The University will reimburse exempt employees for any deductions in pay determined to be improper under the FLSA and take appropriate steps to ensure future compliance.

B. Non-exempt employees will be paid overtime in compliance with Federal and State regulations.

IV. Child Labor

The University complies with all child labor regulations, which are summarized below. Departments wishing to employ youths under age 18 must contact Human Resources to be certain that the regulations are followed.

- A. A youth 18 years or older may perform any job, whether hazardous or not, for unlimited hours.
- B. A youth 16 or 17 years old may perform a non-hazardous job for unlimited hours.
- C. A youth 14 or 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs. They cannot work:
 - i. More than 3 hours a day on school days,
 - ii. More than 18 hours per week in school weeks,
 - iii. More than 8 hours a day on non-school days,
 - iv. More than 40 hours per week when school is not in session, and
 - v. Not before 7:00 AM or after 7:00 PM, except from June 1 through Labor Day, when the hours may be extended to 9:00 PM.



SUB-TOPIC

FAIR LABOR STANDARDS ACT (EXEMPT STATUS), Continued

V. Record Keeping

Departments must maintain accurate, contemporary records of position classification, exemption status, hours worked by non-exempt employees and paid and un-paid leave.

VI. For More Information

For more information about the federal minimum wage, overtime regulations, child labor regulations or record keeping requirements under the FLSA, please contact the Office of Human Resources.