

Managers' FLSA Guide with Changes

As a manager or supervisor, it is critical that you are aware of the impact the new Fair Labor Standards Act (FLSA) changes may have on your employees.

- Employees may be excited about the work/life balance and being able to take more compensatory time off since it will be earned at a time and one-half rate. In addition, nonexempt employees will receive a payout for unused compensatory time upon separation from employment.
- Employees who are being required to transition from “exempt” to “nonexempt” may perceive a loss of status and flexibility, and may have a difficult time adjusting to the new requirements.
- Employees may feel as though they have been demoted or are not trusted since they are now required to closely monitor their hours, whereas in the past they worked alongside other exempt co-workers for as many hours as it took to get a job done (regularly exceeding 40 hours).

Suggestions to Assist and Lessen the Impact

1. Communicate to employees why this is occurring and the additional benefits for them. If nonexempt employees work more than 40 hours in a workweek, they now will earn compensatory time at the time and one-half rate. Nonexempt employees are now entitled to payouts in the event they leave or excess once the maximum accrual is reached.
2. **The FLSA is an executive order and a federal law change. We MUST comply.**
3. Provide clear communication about what constitutes hours of work and any new expectations.
4. Instruct employees on the different types of work, what is authorized outside normal working hours, and the requirement of reporting all time worked, especially if using mobile or other devices.
5. Review how your office/department works for you. Ask the question – how can we work smarter? This is an opportunity for you to retool job descriptions and responsibilities of positions or hours.
6. Communicate to nonexempt employees that an email or text sent after hours does not have to be read or answered immediately. The email or text can wait until the next business day unless specified so employees have a more enjoyable work-life balance.
7. Communicate to employees there is no change in their benefits such as leave, insurance, etc.
8. Adjust the workweek when circumstances warrant. A nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. Under State regulations, this adjustment is not allowed for hours worked between 37.5 and 40 hours during any workweek.