

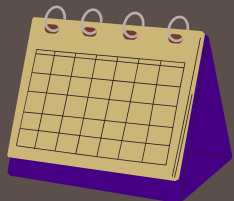
The Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping and child-labor standards affecting full-time and part-time employees.

Under the federal FLSA, a non-exempt employee is one who is entitled to at least the minimum wage for each hour worked and to overtime whenever working more than 40 hours in a workweek. The standard JMU workweek begins 12:01 a.m. Sunday and ends at midnight the following Saturday, except for those employees whose workweek is designated differently. By contrast, an employee who is exempt from the overtime provisions of the FLSA is not eligible to be paid overtime by the university.

Guidelines for Non-Exempt Employees

- Employees designated as non-exempt by the FLSA must receive monetary compensation for hours physically worked in excess of 40 in a workweek at a rate not less than one and one-half their regular rates of pay, which is referred to as "overtime" pay and must be pre-approved by the supervisor.
- An employee who is eligible for overtime pay cannot volunteer to work "off the clock" and is not permitted to waive their rights under the FLSA.
- Performance of any work, such as answering phone calls and/or emails during "off hours," like lunch breaks or in the evenings, for example, is considered work and must be compensated accordingly.
- With supervisor approval, an employee may adjust their schedule during the workweek to offset extended workdays provided the adjustment occurs within the same work week.
- It is management's responsibility to exercise control to ensure that work is not performed beyond scheduled hours without prior approval and to initiate disciplinary action if the process has not been followed.



Resources

- [JMU FLSA](#)
- [Policy 1303- Provisions for Granting Overtime and Compensatory Leave](#)
- [HR Consultant](#)

Compensation Corner

Agency Business Need: A pay factor that describes the specific activities and organizational, financial, and human resource requirements that are derived from the university's mission and describes how the position and the employee fit within the mission.