

Exempt and Non-Exempt Position Classification

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When a position is being established, re-evaluated, or reclassified by the Corporate Human Resources, Compensation Services Office, a designation of either exempt or non-exempt is assigned. "Exempt Position" means a position excluded from the provisions of the Fair Labor Standards Act. There are six (6) white-collar exemption tests to evaluate whether an employee qualifies for exemption from the Fair Labor Standards Act Overtime Provisions. These tests are as follows: (1) executive; (2) administrative; (3) learned professional; (4) creative professional; (5) computer; (6) outside sales. These tests pertain to an employee's status in a position. On the basis of market practice, the University at its discretion may opt to treat a position legally qualified as exempt as though it were non-exempt. Staff employees not meeting the above FLSA tests are classified as "Non-Exempt", and must be paid on an hourly basis and receive overtime pay at a rate of not less than one and one half times (1.5x) their regular rate of pay after 40 hours of work in a work week. Non-exempt staff employees must be compensated either by cash payment or compensatory time off at the discretion of the department management. Exempt staff employees are not entitled to overtime pay under FLSA regulations.

Compensatory time off in lieu of cash compensation must be at the rate of one and a half hours for each hour worked in excess of 40 hours per week for non-exempt staff employees. Maximum accrual limits for compensatory time off are as follows: staff employees engaged in a Public Safety activity, or an Emergency Response activity may accrue a maximum of 480 hours of compensatory time (480 hours is comprised of 320 hours at time and a half). Staff employees engaged in any other work may accrue not more than 240 hours of compensatory time (240 hours is comprised of 160 hours at time and a half).