

Waisman Center Supervisor Update

FLSA (Fair Labor Standards Act)

- FLSA/FTE changes

- ACA (Affordable Care Act)

- Lunch breaks after 6 hours (unpaid)

Performance Management

eBenefits

New templates available on the Waisman Center website under HR

New processes documented - available on the Waisman Center website under HR

Telecommuting

FMLA

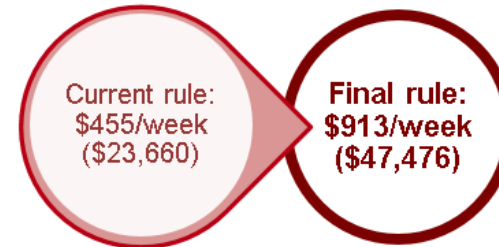
Lead time to recruit/hire

Recruitment/Hire update (TREMS)

Topics you'd like to see for future supervisor training

Q & A related to Human Resources, Grants and the Business office

DOL Salary Threshold Change



- On May 17, 2016, the U.S. Department of Labor announced a change to the FLSA rules, raising the salary threshold to \$47,476 annually (\$913 weekly) from \$23,660 annually (\$455 weekly).
- Effective December 1, 2016, all employees who earn less than \$47,476 annually or \$913 weekly will become non-exempt unless he or she qualifies for an exemption. **This is regardless of percent FTE.** (**pay attention to FTE changes**)
- Changes will be in HRS **effective on November 27, 2016.**

What is the Difference Between Exempt and Non Exempt?

Exempt

- Salaried
- Paid based on an annual salary
- Leave accounted for in half-day increments
- Not eligible for OT/compensatory time

Nonexempt

- Hourly
- Paid based on an hourly rate for time worked
- Leave accounted for in 15 minute increments
- Eligible for OT/compensatory time

Employees who move from Exempt to Non-exempt (cont.)

- No effect on vacation accrual for existing university staff exempt employees
- No effect on vacation accrual for affected academic staff employees

What Constitutes Work?

- Overtime HR Policy 11.01 (Appendix A):
- <https://kb.wisc.edu/ohr/policies/page.php?id=53322>

Appendix 1

Guide to Determining Hours Worked

Note: Activities that are always considered work time or non-work time under the FLSA are designated with an "X" in the following table. [Reference 29 C.F.R. Part 785, Ch. DWD 272, Wis. Adm. Code]

Activity	Work Time	Non-Work Time
Changing Clothes	If the employee is required to change before and after their shift, is not allowed to take the clothing home and is not required to launder it at home	If the employee is provided a uniform that can be worn to and from work and the employee is responsible for laundering
Charitable Work	If requested or controlled by the employer	If done voluntarily outside working hours
Compensatory Time Credits Used		X
Holiday Time		X
Meal Periods and Rest Periods	When the employee is not completely relieved from active or inactive duties or when the meal period is less than 30 minutes	Periods of 30 minutes or more when the employee is completely relieved from duty for the purposes of eating regular meals. The employee does not have to leave the premises to be considered relieved from duty
Medical Attention	During normal work hours for matters that are job-related and at the employer's discretion	Medical attention for matters that are not job-related
Residing on Premises		When not on duty
Sick Leave		X
Sleep Time	When the employee is required to be on duty for less than a straight 24-hour period	Not to exceed eight hours, where an employee is required to be on duty 24 hours or more, is furnished adequate sleeping facilities and can usually enjoy at least five hours of uninterrupted sleep. (Note: It is necessary that employer and employee agree that this is not work time.)
Tools	Caring for tools and machinery if part of the principal duties	
Training - General	Attendance is mandatory by the employer and/or Attendance is outside of the regular work hours if the employee understands or is led to believe that the employee's present working conditions or continuance of employment would be adversely affected by nonattendance	If all of the following criteria met: <ul style="list-style-type: none"> ■ Attendance is voluntary; ■ Attendance is outside the employee's regular working hours; ■ The training is not directly related to the employee's job; And ■ No productive work is performed during attendance

Managing Overtime

- New Overtime Request pre-approval procedure
- New Overtime Request form

Available on the Waisman Center website under Human Resources should you choose to implement this in your work unit

Work Performed as a Volunteer

- Work performed as a Volunteer
 - I. A person is a volunteer only if the following criteria are met:
 1. The person receives no compensation; or the person is paid expenses, reasonable benefits, or a nominal fee, in any combination, to perform the services.
 - a) Payment of expenses includes reimbursement for out-of-pocket expenses incidental to providing volunteer services (e.g., payment for the cost of meals and transportation).
 - b) Benefits would be considered reasonable, for example, when individual volunteers are included in group insurance or retirement funds that are commonly or traditionally provided to volunteers of the agency.
 - c) The total amount of payments (expenses, benefits, fees) must be examined to determine volunteer status.
 2. If an employee is performing volunteer work for UW–Madison, both of the following conditions must be met:
 - a) The services are in a different general occupational category than that of the employee’s regular employment.
 - b) **The services are not closely related to the actual duties performed by, or responsibilities assigned to, the employee.”**

• You CANNOT Volunteer your work

- Per [Regulations 29 C.F.R. §553.103](#) regarding Public Sector Volunteers and [UW-Madison Overtime](#) policy

Who Will Not Be Affected?

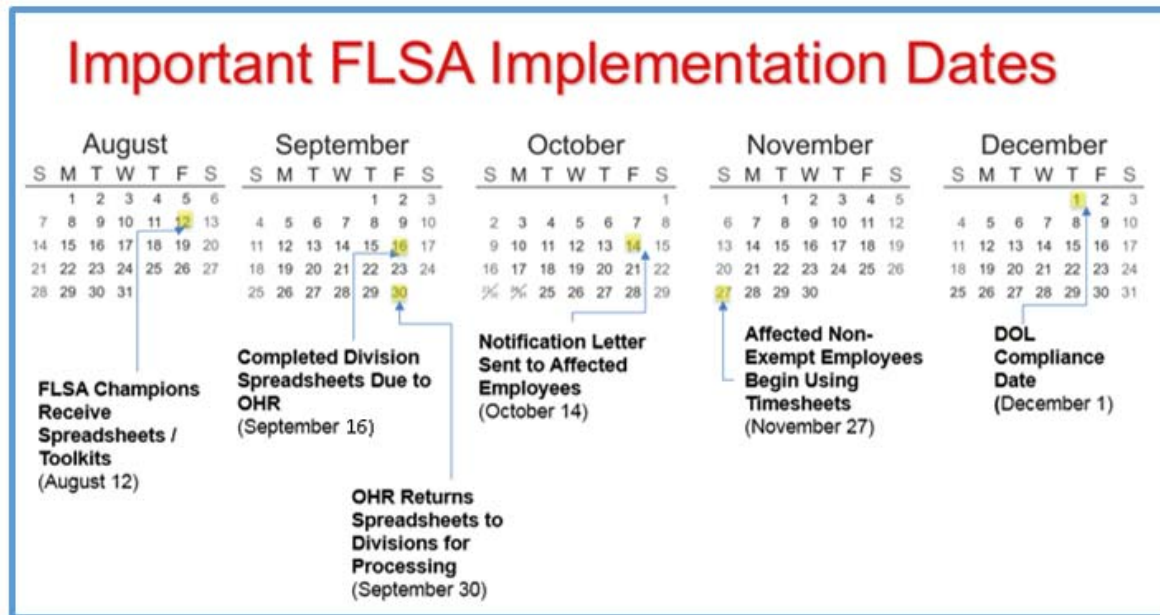
- **Teacher Exemption**
- Faculty, instructional academic staff and graduate students whose primary duties are teaching are exempt regardless of salary.
 - Primary duty is activity of imparting knowledge: Teaching, Tutoring, Instructing or lecturing
 - Coaches
 - Teaching Assistants (grad students)
- See [Exemption Definitions](#)
- **“Non-Employees”**
- Individuals in titles that are considered “non-employees” under the FLSA
 - Graduate students (Research Assistants) engaged in research under a faculty member’s supervision in the course of obtaining a degree do not have an employment relationship with the UW-Madison
 - Graduate students receiving fellowships/scholarships
- [List of Titles Excluded from FLSA Reports](#)

Three (3) FLSA Compliance Options

1. Limit nonexempt work to 40 hours per week. Employees must complete their tasks within 40 hours per week and are not permitted to work overtime.
2. Pay overtime or award compensatory time. Employees are provided overtime through payment or compensatory 'time off' at a rate of 1.5 hours per hour worked over 40 hours per week. HRS is modified to track and pay overtime for non-exempt academic staff; this involves switching to a bi-weekly payroll.
3. Raise FTE or salary of exempt employees to (or above) the FLSA minimum of \$47,476.

Note: Central funding will not be provided to address FLSA compliance

Timeline



Resources:

[FLSA Website](https://www.ohr.wisc.edu/compensation/flsa.aspx)

<https://www.ohr.wisc.edu/compensation/flsa.aspx>

[FLSA Frequently Asked Questions \(FAQ\)](https://www.ohr.wisc.edu/compensation/flsa-faq.aspx)

<https://www.ohr.wisc.edu/compensation/flsa-faq.aspx>

Questions?

Other updates:

- Other Updates:
 - ACA (Affordable Care Act)
 - ASH - Lunch breaks after 6 hours (unpaid)
- Performance Management – software on it's way from VCRGE – measurement/compliance starts this year
- eBenefits – enrollment will be online this year
- New templates available on the Waisman Center website under HR (for typical positions) – requests taken on input sheets
- New processes documented - available on the Waisman Center website under HR (frequently used processes) – requests taken on input sheets

Other updates:

- Telecommuting (needs advance approval)
- FMLA (needs advance approval)
- Lead time to recruit/hire
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