

University Policy No. 200.32
EXEMPT EMPLOYEE POLICY

Responsible Administrator: Vice President for Administration

Responsible Office: Office of Human Resources

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Policy Statement

It is the policy of Claflin University to provide compensation to employees exempt from the overtime requirement of the Federal Fair Labor Standards Act ([FLSA] “exempt employees”) on a salary basis.

Statement of Purpose

This policy establishes guidelines to protect the rights of exempt employees and Claflin University’s exempt status in accordance with the FLSA (29 CFR 541, *et seq.*).

Applicability

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. The following establishes the University’s guidelines for exempt employees.

DEFINITIONS

Exempt employees are generally executives, managers, fulltime faculty, professionals, or administrative staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Nonexempt employees are employees whose work is covered by the FLSA. They are *not* exempt from the law’s requirements concerning minimum wage and overtime. See University Policy No. 200.33: Nonexempt Employee Policy.

ELIGIBILITY FOR OVERTIME

Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position.

PROCEDURES

1. In accordance with the Fair Labor Standards Act, exempt employees will receive a "predetermined amount" of compensation that cannot be reduced due to partial-day absences. Exempt employees who exhaust their sick and vacation leave accruals

must continue to receive their full pay for any partial day worked. When an employee is absent for a full day (i.e. performs no work) and does not have sick or vacation leave, the University will make the proper payroll deduction (dock).

2. The University will provide full compensation based upon a predetermined amount for exempt employees who do not have sick or vacation leave when they work a partial day. Under the salary basis rule, employees **ARE NOT** eligible for full compensation if one of the following holds:
 - The employee is absent for one or more full days for personal reasons, disciplinary suspensions, etc.
 - The absences occurred in the initial or terminal week of employment.
 - The employee is on unpaid leave under the Family and Medical Leave Act.
3. Employees who misrepresent or abuse this policy will be subject to disciplinary action under the Staff Guidelines and University Policy No. 200.19: Policy on Termination, which include verbal and written warnings, suspension, and dismissal. Employees are responsible for notifying their supervisors immediately when they need to request time off from work for pre-planned and scheduled appointments and personal leave.

Compensatory Time

The University does **not** allow the accrual of compensatory time by nonexempt or exempt employees.