



Policy: 02-72-00

Fair Labor Standards Act

OFFICE OF RECORD: Business Office

ISSUED BY: Director of Human Resources

APPROVED BY: 02-72-00

EFFECTIVE DATE: 11/13/90 (Revised 9/16/04)

Policy

It is the policy of Dakota State University to comply with all provisions of the Fair Labor Standards Act (the Act) that apply to the University and its relationship with its employees. Specifically, this policy addresses the process used to determine which positions are subject to the Act for overtime administration purposes. The Vice President for Business and Administrative Services is charged with making final decision on any given position.

Every position at Dakota State University, with the exception of the faculty, must be evaluated to determine which positions are eligible for overtime. Positions eligible for overtime must be compensated at one and one-half times their salary for hours worked in the workweek which exceed 40 hours. Compensation may be in cash or through the accumulation of compensatory time. The type of compensation is at the discretion of the employee and must be agreed to before the overtime is worked.

Procedures

A request for an FLSA review can be made at any time and will be governed by this policy. A supervisor or employee can request to have a position reviewed. Requests for a position review must be made in writing to the Director of Human Resources. The Director will decide what documentation is necessary for the review on a case-by-case basis.

All requests to move a position from ineligible to eligible for overtime will be reviewed. Thus, if a supervisor or employee requests a review of a position that is not currently overtime eligible, the position will be reviewed, because if the current determination is wrong there could be financial liability.

Requests to move a position from eligible to ineligible for overtime will be examined by the Vice President for Business and Administrative Services. The Vice President will decide if the review will be done based on the merits of the case.

There are certain positions that will be reviewed without a request being prepared. One example is those positions on which a determination has never been made. Included are positions reviewed in 1989 by the Bureau of Personnel that were not ruled upon, as well as any new positions created since the review.

Once the decision is made to review a position, the Director of Human Resources will review the position by examining written materials and conducting personal interviews. An initial recommendation will then be made. This recommendation, with supporting material, will be forwarded to the Board of Regents Human Resources Director for review. The BOR Human Resources Director will review and comment on the position. The results will then be forwarded to the Vice President for Business and Administrative Services for final determination. If the Vice President desires, the position can be reviewed by a committee comprised of Human Resources officers from other institutions. That committee will make a recommendation back to the Vice President. At that point, a decision will be made.

Once the decision is made, it will be communicated to the President, the Vice Presidents' Council supervisor, direct supervisor and the employee. Any changes in eligibility will be effective with the Vice President for Business and Administrative Service's decision.

The Director of Human Resources is responsible for training and information dissemination on the issue of the Fair Labor Standards Act.