

FLSA FAQs for Part-Time Employees with Multiple Positions

Q: Why must UCB employees only have one FLSA status if they hold multiple positions, which currently might be Exempt and Non-exempt?

A: There are multiple factors that are driving the decision to designate each employee as having either an Exempt or Non-exempt FLSA status. The most important reason is that UCB needs to be in compliance with the requirement of only having one FLSA status per employee. Only one FLSA status per employee will be entered in the Human Resources and Payroll system along with one pay schedule.

Q: How will a determination be made as to which FLSA status an employee will have?

A: HR will work with BRS HR Partners and department managers/supervisors to review the necessary information prior to making a determination of which FLSA is the most appropriate based upon multiple factors, including but not limited to: job duties and titles of all positions the employee will hold or currently holds, type and duration of appointments, and appointment percentages of each of the positions

Q: How will an FLSA change impact current employees who have multiple part-time positions at UCB?

A: Employees who currently hold multiple positions with the same FLSA status of Exempt or Nonexempt, will not be impacted.

Q: Will academic employees and graduate students be impacted by this?

A: Non-senate academic employees and graduate students who hold multiple positions may be impacted. The Academic Personnel Office will be reviewing appointments for employees who hold a combination of non-senate academic appointments and a staff position to determine which FLSA status will be assigned to employees

Q: Does having one FLSA status mean employees will only have one pay schedule of either monthly or bi-weekly?

A: Once the appropriate FLSA status has been determined for employees with multiple positions, they will be placed on one pay schedule as determined by the FLSA status, biweekly for Non-exempt staff, monthly for Exempt staff. This is also a requirement for the UCPath system.

Q: How will benefit deductions and leave accruals be managed for employees who will have a change to their FLSA status and pay period?

A: Employees will continue to have benefits deducted from their paycheck, monthly for those who are being paid monthly, and for those converting to biweekly pay, their benefits will now be deducted every two weeks. For Additional information about benefit deductions as well as leave accrual, please see information at the UCB Payroll website.

Q: How should accrued compensatory time be managed for employees who were previously Non-exempt in some positions and are now being moved to exempt status?

A: If there is a situation where working in multiple part-time Non-exempt positions has resulted in the accrual of compensatory time, then employees will be paid out for accrued compensatory time prior to conversion to exempt status. This is consistent with how UCB manages a FLSA change for current employees.

Q: Are any positions exempt from the salary basis test?

A: Professors, lecturers, graduate student instructors, readers, tutors, teacher special programs, other teaching titles, doctors, medical residents, veterinarians and attorneys are not subject to either the salary basis or salary level tests. This means that these professionals are considered *exempt regardless of the amount they earn for performing services*.

Q: With the requirement of one FLSA status for an employee holding multiple positions, does this mean departments can no longer hire current employees for multiple part-time positions on campus?

A: You will still be able to hire current part-time employees for part-time positions if they are qualified and eligible to work. We know departments often have a need for part-time positions and often the most qualified person for such a position might be another part-time campus employee. Departments are encouraged to consider all qualified applicants for such positions. Prior to hiring the UCB employees, you will need to work with your assigned HR Partner or HR contact to ensure that HR has reviewed any other part-time active appointments the employee may currently hold. If there is a difference in the FLSA status of the position you are planning on filling and the current FLSA status of the employee, then the HR Partner and hiring manager ensure the FLSA designation is established based upon the position descriptions, type of appointment, duration of appointment, etc., thereby avoiding multiple FLSA statuses.

Q: Who can I contact if I still have questions?

A: Please contact your HR Partner or HR contact and they will respond to your questions and help facilitate any additional information. For questions related to academic appointments, please contact your AP Analyst.

Q: My Student Assistant's FLSA designation is now Exempt due to another position s/he holds on campus. As a supervisor, how do I make sure that my student employee is being paid for all hours worked each month? (since in the past they were able to clock in and out, and now that is no longer the case. Some weeks, the student employee may work less than the appointment percentage and other weeks they may work a few extra hours)

A: If you have a Student Assistant whose FLSA designation is now Exempt due to another position the student holds on campus, then you should advise the student to adhere to their assigned work schedule and/or appointment percentage each month. The student should not be turning in a timesheet listing hours worked. Students can list leave without pay if they do not work their full shift during a particular day. This will require that the supervisor be aware of, and ensure that if whole shifts are not worked, that it is documented on the Student Assistant's monthly timesheet, otherwise, s/he will continue to be paid at the stipulated % each month. The supervisor should set the expectation that the Student

Assistant maintain whatever regular work schedule/shift s/he is normally expected to work. If the appointment percentage does change on an ongoing basis, or the supervisor knows that there will be a significant increase (or decrease) in appointment percentage during a particular month, the supervisor should work with the assigned HR staff to request an adjustment to the appointment percentage. This will not be necessary for small variations in percentages each month.

Q: My student employees often request to change work schedules based upon classes they have to take. Can I still allow them this flexibility as Exempt employees?

A: We realize that both students and departments need flexibility in how and when work can be done. If based upon operational needs and/or a student's request, you have the flexibility to allow for schedule/shift changes. Departments can adjust the Student Assistants' work schedule during the month, provided they are not exceeding the appointment percentage for which they were hired. An example would be that a student requests to work 5 hours on one day instead of working 2.5 hours. Since the student would not be going over their appointment percentage, as a supervisor, you have the flexibility to allow for this change during the same month based upon operational needs. In this type of a situation, you want to make sure that the student does not submit a leave without pay day as the student is still working the required appointment percentage, but on a different work day.

Q: As an Exempt Student Assistant, if I no longer need to submit hours worked, and have not taken any leave without pay, why do I need to approve a monthly timesheet?

A: Your approval of the monthly timesheet indicates that you have actually worked the time you are supposed to work each month in that position.

Q: I took leave without pay for one of my scheduled days of work but I still received my full paycheck for that month. When will this amount be deducted from the paycheck?

A: This deduction will be made from the following month's check.

For example: you submit 3 hours of leave without pay in September, therefore, this amount will be deducted from your October pay, reflected in the check you receive on November 1st.

Q: As a supervisor, do I still need to review and approve the timesheets for students who are considered Exempt? Since they do not report hours worked, this seems unnecessary now.

A: Yes, a timesheet is required every month. Currently, Exempt Student Assistants are blocked from using CalTime. Supervisors should still be reviewing and approving timesheets for Exempt Student Assistants each month. In addition, because of their Exempt FLSA status, students must record full missed shifts only. A missed shift is considered leave without pay and defined as all hours that have not been made up through an alternative schedule during the month. Once Payroll receives the signed and approved timesheet, they will make any pay reductions from the following month's paycheck.

Q: I have an employee who holds two part-time Exempt staff positions on campus (50% each), and both require timesheets. Why does CalTime not allow Exempt staff employees to complete timesheets for all positions via CalTime?

A: Due to CalTime limitations, an Exempt staff employee can only have one timesheet in CalTime. If an employee needs to report time off in one or both positions, then the employee will continue to use

CalTime for the position for which CalTime has already been set up, and will use a paper timesheet for the second position. This process has not changed.

Q: How is my student job different from what it was in the past, when it was Non-Exempt?

A: As a result of this FLSA change, you will now be paid monthly instead of bi-weekly. While your job duties are assigned by your supervisor, as an Exempt employee, you will no longer report hours worked each day, instead, you only report time taken off in full shifts that you missed and did not make up during the month. Your salary is paid based upon your monthly appointment percentage instead of hourly. Currently, you are not able to report time off via CalTime. You will need to complete and submit a paper timesheet to csstimesheets@berkeley.edu. Even if you did not take any time off, you will still need to sign and submit a timesheet, which indicates that you worked your assigned appointment percentage during the month.