

FLSA Determination Process for Students with Multiple Positions [Matrix](#)

PURPOSE		The federal Fair Labor Standards Act (FLSA) establishes that employees must be designated either exempt or non-exempt. Exempt positions do not get paid overtime and are usually salaried. Non-exempt positions are paid hourly and are eligible for overtime pay if the individual holding the position works beyond forty hours in a work week. - Academic Student Employee (ASE) titles (GSI, Reader, Tutor) are designated exempt for FLSA purposes regardless of salary, as they have a teaching exemption. - Student Assistant titles are, by default, designated non-exempt. - A conflict emerges when students are appointed to both an ASE title and a Student Assistant title. In these instances, an FLSA determination is required.					
SCOPE		Update FLSA status guidelines for students with multiple job combinations.					
POLICY & PRACTICES		Per UC Path, employees with multiple appointments must have one overall FLSA designation (Exempt or Non-Exempt) and one overall Pay Frequency (Monthly or Bi-weekly). The Pay Group can vary (Salary or Hourly) for each of the employee's appointments. The Pay Group influences the Timekeeping System which will be used for each appointment. <ul style="list-style-type: none"> GSR's and GSI's default to Exempt, paid salaried, monthly. Tutors/Readers/Special Readers default to Exempt, paid hourly, bi-weekly. Any Graduate Student with job(s) totaling more than 50% (FTE) requires an exception from the head advisor OR from Graduate Division if all job(s) total more than 75% (FTE), during the academic year. International Students may not exceed 50% (FTE). Please see the FLSA Determination Process for Students with Multiple Positions. Generally, the ASE FLSA exemption will drive the FLSA determination if the ASE appointment percentage is greater or equal to the Student Assistant percentage. If the Student Assistant position is at a higher percentage, both positions will usually be non-exempt, and pay period will be bi-weekly. Appointments will be reviewed on a semester-by-semester basis. All FLSA determinations that lead to a non-exempt ASE appointment should be tracked on the FLSA Determination Tracking Sheet. Once the tracking sheet has been updated, unless the case requires APO review (i.e., unusual circumstances), BRS staff can proceed with the FLSA change following the FLSA Determination Process for Students with Multiple Positions. Any tutor paid on a bi-weekly pay cycle, including those working at the Athletic Study Center or Student Study Center, will remain on a bi-weekly pay schedule if they pick up a Student Assistant position. The FLSA for GSR appointments defaults to exempt in UCPath. If a GSR holds an additional appointment, the FLSA will be derived based on the second position. 					
Appointment 1	Default FLSA	Appointment 2	New FLSA	Pay Frequency	Hourly/Salary	Timekeeping System	FLSA Tracking Sheet
GSI - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: 25%	Exempt	Student Assistant - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: ≤ 25%	Exempt	Monthly	GSI (salaried, exempt) Student Assistant (salaried/hourly, exempt)	GSI, Student Assistant: No Time Tracking-MO, salaried Student Assistant: paper timesheet-MO, hourly	None
		Student Assistant - Appt Period: 8/1/2020 - 12/31/2020 or 10/1/2020 - 12/31/2020 - % of Appt: > 25%	Non-Exempt	Bi-weekly	GSI (hourly, non-exempt) Student Assistant (hourly, non-exempt)	GSI: paper timesheet - BW, hourly Student Assistant: CalTime - BW, hourly	Update FLSA Tracking Sheet, non-exempt GSI
		Reader/Tutor - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: > 25%	Exempt	Bi-weekly	GSI (salaried, exempt) R/T (hourly, exempt)	GSI: No Time Tracking-BW, salaried R/T: CalTime - BW, hourly	None
Tutor/Reader Tutor at Athletic Study Center Tutor at Student Study Center - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: 15%	Exempt	Student Assistant - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: ≤ 15%	Exempt	Bi-weekly	R/T (hourly, exempt) Student Assistant (salaried/hourly, exempt)	R/T: CalTime - BW, hourly Student Assistant: No Time Tracking-BW, salaried Student Assistant: paper timesheet - BW, hourly	None
		Student Assistant - Appt Period: 8/1/2020 - 12/31/2020 or 10/1/2020 - 12/31/2020 - % of Appt: > 15%	Non-Exempt	Bi-weekly	R/T (hourly, non-exempt) Student Assistant (hourly, non-exempt)	R/T, Student Assistant: CalTime - BW, hourly	Update FLSA Tracking Sheet, non-exempt R/T
		Student Assistant - Appt Period: 12/1/2020 - 12/31/2020 - % of Appt: > 15%	Consult with APO at appolicy@berkeley.edu about unusual circumstances				Update FLSA Tracking Sheet, APO review
GSR - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: 25%	Exempt	GSI - Appt Period: 10/1/2020 - 12/31/2020 - % of Appt: ≤ 25%	Exempt	Monthly	GSR/GSI (salaried, exempt)	GSR/GSI: No Time Tracking-MO, salaried	None
		R/T - Appt Period: 10/1/2020 - 12/31/2020 - % of Appt: ≥ 25%	Exempt	Bi-weekly	GSR (salaried, exempt) R/T (hourly, exempt)	GSR: No Time Tracking-BW, salaried R/T: CalTime, BW, hourly	None
		Student Assistant - Appt Period: 10/1/2020 - 12/31/2020 - % of Appt: ≤ 25%	Non-Exempt	Bi-weekly	GSR (hourly, non-exempt) Student Assistant (hourly, non-exempt)	GSR: paper timesheet - BW, hourly Student Assistant: CalTime - BW, hourly	None
Student Assistant - Appt Period: 5/1/2020 - 12/31/2020 - % of Appt: 10%	Non-Exempt	Reader/Tutor - Appt Period: 8/1/2020 - 12/31/2020 or 10/1/2020 - 12/31/2020 - % of Appt: ≥ 10%	Exempt	Bi-weekly	R/T (hourly, exempt) Student Assistant (salaried/hourly, exempt)	R/T: CalTime - BW, hourly Student Assistant: No Time Tracking-BW, salaried Student Assistant: paper timesheet - BW, hourly	None
		Reader/Tutor - Appt Period: 8/1/2020 - 12/31/2020 - % of Appt: < 10%	Non-Exempt	Bi-weekly	R/T (hourly, non-exempt) Student Assistant (hourly, non-exempt)	R/T, Student Assistant: CalTime - BW, hourly	Update FLSA Tracking Sheet, non-exempt R/T
		GSI - Appt Period: 8/1/2020-12/31/2020 - % of Appt: ≥ 10%	Exempt	Monthly	GSI (salaried, exempt) Student Assistant (salaried/hourly, exempt)	GSI, Student Assistant: No Time Tracking-MO, salaried Student Assistant: paper timesheet-MO, hourly	None
		GSI/R/T Summer Sessions -Appt Period: 5/26/2020-8/14/2020 -% of Appt: < 10%	Non-Exempt	Bi-weekly	GSI, R/T (hourly, non-exempt) Student Assistant title (hourly, non-exempt)	GSI: paper timesheet - BW, hourly R/T, Student Assistant: CalTime - BW, hourly	Update FLSA Tracking Sheet, non-exempt GSI, R/T