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.

### Purpose
Update FLSA status guidelines for students with multiple job combinations.

### Scope
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.

- **Exempt**
  - GSI, GSR (salaried, exempt)
  - Tutor/Reader (special readers, exempt)
  - Any Graduate Student with job(s) totaling more than 50% (FTE) 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.

- **Non-Exempt**
  - Student Assistant
  - Tutor at Student Study Center
  - Tutor at Athletic Study Center
  - Reader/Tutor

### Policy & Practices
- **Exempt Student Assistant**
  - % of Appt: ≥ 10%
  - Appt Period: 8/1/2020 - 12/31/2020 or 10/1/2020 - 12/31/2020
  - % of Appt: ≤ 15%
  - Appt Period: 8/1/2020 - 12/31/2020

- **Non-Exempt Student Assistant**
  - % of Appt: > 15%
  - Appt Period: 10/1/2020 - 12/31/2020

- **GSI**
  - % of Appt: ≥ 25%
  - Appt Period: 8/1/2020 - 12/31/2020
  - % of Appt: ≤ 25%
  - Appt Period: 10/1/2020 - 12/31/2020

- **GSR**
  - % of Appt: ≥ 20%
  - Appt Period: 8/1/2020 - 12/31/2020

### Appointment 1
**Default FLSA**
- Exempt
- Non-Exempt
- GSI
- GSR
- Reader/Tutor

### Appointment 2
**New FLSA**
- Exempt Monthly
- Non-Exempt Bi-weekly
- Bi-weekly
- R/T: Bi-weekly

**Pay Frequency**
- GSI (salaried, exempt)
- Student Assistant (salaried/hourly, exempt)
- Student Assistant (hourly, non-exempt)
- Student Assistant (hourly, exempt)

**Timekeeping System**
- GSI, Student Assistant: No Time Tracking-MO, salaried
- Student Assistant: paper timesheet-MO, hourly
- GSI: No Time Tracking-BW, salaried
- Student Assistant: paper timesheet - BW, hourly

**FLSA Tracking Sheet**
- None

### Update
- **FLSA Determination Process for Students with Multiple Positions**
- **International Students**
- **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.**

### Other Information
- **Student Assistant percentage.**
- **International Students may not exceed 50% (FTE).**
- **Please see 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.**

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**Updated 5/2020**

**Link to google spreadsheet, here.**