

Understanding the Impact of Flex on Overtime according to Labor Law and Contracts

Recording Time Worked

Nonexempt employees are covered by the overtime and record keeping (e.g. electronic timekeeping) requirements of the Fair Labor Standards Act (FLSA). The FLSA defines overtime as any hours worked by a non-exempt employee that exceed 40 hours in a standard workweek. At Cornell, overtime pay is based on any hours paid that exceed 40 in a standard workweek. The standard Cornell workweek begins on Thursday and ends the following Wednesday. Non-exempt employees must be paid at the rate of one and one-half times their regular rate of pay for all hours paid over 40 in the workweek. There are no exceptions to this provision.

Therefore, as flexible work schedules are being considered, non-exempt employees and their supervisors must take these overtime implications into account. The college/unit human resource representative can assist in this planning process. For a list of such human resource representatives, see <http://www.ohr.cornell.edu/contactHR/hrAcrossCampus/hrConsultants.html> .

Exempt employees are not covered by the overtime and record keeping e.g. electronic timekeeping) requirements of the Fair Labor Standards Act. Therefore, there is inherent flexibility in work scheduling for them. Even though the law allows this latitude, exempt staff members still need to discuss specific scheduling arrangements with their supervisors and obtain their approval.

Cornell policies and resources that relate to this topic are as follows:

- HR Policy 6.7.9, Fair Labor Standards Act, http://www.ohr.cornell.edu/policies/nonacademic/1011b_wagesalary/679.html
- HR Policy 6.7.11, Time Collection, http://www.ohr.cornell.edu/policies/nonacademic/1011b_wagesalary/6711.html
- HR Policy 6.7.12, Overtime, http://www.ohr.cornell.edu/policies/nonacademic/1011b_wagesalary/6712.html
- FLSA Guidelines for Supervisors, <http://www.ohr.cornell.edu/hr/hrmanage/recruitHirePay/payAdmin/index.html>

For employees who are represented by a collective bargaining agreement, it is important to refer to the particular contract for related language on this topic. The contracts can be found at <http://www.ohr.cornell.edu/policies/laborContracts/index.html>.

In addition to the college/unit human resource representative, questions can also be directed to Staff and Labor Relations at 255-4652.