

To All FAU AMP Employees:

As you may be aware, the U.S. Department of Labor has issued rules that become effective in December, raising the minimum weekly amount that certain categories of salaried employees must be paid to be exempted from an employer's obligation to pay overtime to employees who work in excess of forty (40) hours in a workweek. With respect to certain categories of salaried AMP employees, that minimum weekly amount will be \$913.00 (before taxes and other deductions), effective December 1, 2016.

Attached are FAQs regarding the change to the rules. Please review this information and contact Michael Davis, Manager of Classification and Compensation at [mdavi145@fau.edu](mailto:mdavi145@fau.edu) with any specific questions.

Sincerely,

Dave Tomanio  
Assistant VP – Human Resources

## FLSA FAQs

**Q:** What do the new rules require?

**A:** Beginning December 1, 2016, salaried employees in certain AMP positions, whose job duties result in compensable work hours in excess of forty (40) per workweek, will receive a minimum weekly salary of \$913.00 (before taxes and other deductions), or will be reclassified as either hourly employees, or salaried non-exempt employees, receiving overtime premium pay for compensable time in excess of forty (40) hours per workweek.

**Q:** Are teaching faculty affected by the new rule?

**A:** No. Faculty whose job duties teaching, tutoring, instructing or lecturing are not subject to the minimum weekly salary amount specified by the new rule.

**Q:** If I am an AMP salaried employee with a current salary of less than \$913.00 per week (before taxes and other deductions), will my pay rate or pay structure change on December 1, 2016?

**A:** In certain cases.

Employees whose job responsibilities include the performance of administrative functions directly related to academic instruction or training will probably not see any change to their pay rate or pay structure as a result of the new rule. These functions include teaching, administration of curriculum, quality and methods of instruction, measuring and testing student learning potential and achievement, and/or establishing and maintaining academic and grading standards and other aspects of the University's curriculum.

Between now and December 1, 2016, the job duties and responsibilities of employees not included in the above category, and whose positions currently or are expected to entail compensable work hours in excess of forty (40) per workweek, will be evaluated by the University, and one of the following changes may occur effective December 1, 2016: (1) the employee may be converted to an hourly position in which work hours will be tracked, and for which the employee will receive overtime premium pay for hours worked in excess of forty (40) per workweek; (2) the employee may continue in a salaried capacity at the employee's current salary level, but will begin tracking work hours in excess of forty per workweek, for which the employee will receive overtime premium pay; or (3) the employee's weekly salary may increase to \$913.00 per week (before taxes and other deductions).

Any changes will be made solely on the basis of the employee's job duties and responsibilities and/or other operational considerations, and will not be based on the employee seniority, job performance, or any other individual qualities of the employee himself or herself. Accordingly, no employee should consider any change to his or her pay rate or pay structure made as a result of this new rule to reflect any view of the value of that employee's contributions to the University community.

**Q:** Does my title alone determine whether I will be impacted by the new rule?

A: No. Job duties and responsibilities are the primary factors which determine whether an employee is impacted by the new rule.

Q: When will I have to start entering time if I am moved to an AMP-Non-exempt position?

A: On or before 12-1-2016.

Q: Will the new rule and any changes to my pay or pay structure be explained in more detail?

A: Yes. Managers will attend training sessions beginning in October, 2016. Employees affected by these changes will be notified prior to any change becoming effective, and employees who were not previously asked to keep time records will receive training on how to do so before December 1, 2016.

Q: Will my Retirement and other Benefits be affected?

A: No. Your current benefits (including ORP) will not be affected by this change.

Q: Will my Leave Accrual Change?

A: No. All AMP (Exempt and Non-Exempt) employees will continue to earn 6.77 hours of annual leave and 4 hours of sick leave each pay period, plus 1 personal day each fiscal year.