

Certain professional employees are considered exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) based on their primary duties as professional, executive and administrative employees.

The new FLSA rule changes the maximum salary for these white-collar employees to qualify for overtime, increasing it to \$50,440 and thereby expanding the pool of eligible workers.

Those with full-time salaries below \$50,440 at UConn and UConn Health are:

(Information current as of April 20, 2016):

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UConn Health:

Minimum full-time employees potentially affected: 108

- The largest population, 82, are post-doctorate fellows; average salary is \$44,396.
- Other categories include clinical research assistant, pharmacy resident, resident dentist. Their average salaries range from \$38,000 to \$49,462 annually.
- Potential salary impact of change under review.
- UConn Health graduate assistants primarily conduct research; therefore, it is not yet known if they will be included based on the FLSA's exemptions (more info at end of document about what qualifies as a teaching exemption).
- **If it is determined they are not exempt, the tally increases by 148 graduate assistants (whose average salary is \$29,000) to 256 potentially affected employees.**

UConn Storrs and Regional Campuses (including Law):

Full-time employees potentially affected: 344 (may decrease upon review)

- The majority, 133, are professional employees such as administrative assistants covered by the provisions of the UCPEA contract, with average salaries ranging from \$43,662 to \$48,008 depending on job classification.
- It includes 111 post-doc fellows with an average salary of \$43,950.
- Other categories include educational assistant, specialist and research assistant. Salary averages are between \$41,378 and \$47,854, depending on position and classification.

- Individuals in teaching roles with faculty titles (56) such as lecturer or “instructor in residence” are included in the 344 tally for now, but may be exempt based on FLSA rules (see below).
- It is not yet known whether UConn graduate assistants will be included based on FLSA’s exemptions. This is part of our analysis.
- **If it is determined they are not exempt, the tally increases by a maximum of 2,046. However, some who conduct purely teaching (911) or a combination of teaching and research (303) may be exempt, potentially leaving only the research GAs (832) eligible, if any.**
- Human Resources is reviewing the specific duties of graduate assistants and individuals in teaching roles with faculty titles. This review will allow us to determine whether the positions are affected by the FLSA rule, and whether to validate or change the exemption status.
- Once this occurs, UConn will have a more concrete understanding of which jobs should and should not be excluded from overtime pay, and can determine the compensation impact.

Exemptions under FLSA for categories of work involving teaching:

http://www.dol.gov/whd/overtime/fs17d_professional.pdf

Teachers are exempt if their primary duty is teaching, tutoring, instructing or lecturing in the activity of imparting knowledge, and if they are employed and engaged in this activity as a teacher in an educational establishment. Exempt teachers include, but are not limited to, regular academic teachers; kindergarten or nursery school teachers; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrument music teachers. The salary and salary basis requirements do not apply to bona fide teachers. Having a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge includes, by its very nature, exercising discretion and judgment.