

# Guide to Being a Nonexempt Staff Member at Rice University

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**Rice University complies with the provisions of the Fair Labor Standards Act (FLSA) in its employment policies. Staff members are expected to adhere to these policies.**

**As defined by the FLSA, positions at Rice are either nonexempt or exempt.** The Human Resources department determines whether a position is nonexempt or exempt by applying the provisions of the FLSA whenever a new position is created. Nonexempt is the default status under the terms of the Fair Labor Standards Act (FLSA).

## DEFINITIONS

### **Nonexempt Staff (aka Hourly)**

- Nonexempt is the default for employees
- In general, nonexempt staff have the following characteristics:
  - are paid on an hourly basis
  - take paid time off (PTO) on the basis of half-hour increments
  - must be paid at the overtime rate (1.5x regularly hourly rate) for any and all time worked that are greater than 40 hours in a workweek

### **Exempt Staff (aka Salaried)**

- Exempt staff are exempt from the FLSA's overtime provision. Exemptions are applied on an exception basis by Human Resources
- In general, exempt staff have all three of the following characteristics:
  - all work responsibilities are executive/managerial, professional, and/or administrative in nature (as described in the Fair Labor Standards Act or FLSA);
  - they are paid on a salaried, rather than hourly basis;
  - and at Rice the weekly salary is at least \$923 per week
- Are not eligible for overtime
- Take time off (PTO) in full day increments

### **Workweek at Rice**

- Is 40 hours (for nonexempt staff)
- Begins at 12:00 a.m. Sunday and ends at 11:59 p.m. on the following Saturday
- Rice has set a general expectation that campus offices will be open for regular business from 8:00 a.m. to 5:00 p.m.

## NONEXEMPT STAFF

### **Nonexempt staff are expected to:**

- Work the hours set by their supervisor
- Accurately record all hours worked via web time entry
- Request overtime in advance (or follow the departmental process for requesting overtime)
- Discuss changes to the agreed upon work hours with their supervisor and with sufficient notice necessary to make adjustments to work hours and/or work coverage
- Be present for work during the hours that campus offices are open, unless their supervisors set and approve of an alternative acceptable work schedule

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### Time worked

- Nonexempt staff must be paid for all time the staff member is “suffered or permitted” to work by the supervisor. This includes any time the staff member is working, whether it is during their regular work hours or at other times. Some examples include:
  - Regular set work day
  - Returning work related emails outside of regular work hours
  - Arriving at work and beginning work prior to the agreed upon work schedule
  - Remaining at the desk during the lunch hour and answering phone calls or covering the reception area
- Break periods of 20 minutes or less are paid and are granted at the discretion of their supervisor, and, in accordance with any existing school/division practices and guidelines
- Break periods exceeding 20 minutes are unpaid
- Nonexempt staff are encouraged to take a lunch break of 30 to 60 minutes

### Pay & Overtime

- Nonexempt staff are paid on the bi-weekly (B2) payroll on an hourly basis every two weeks
- Nonexempt staff are required to complete time sheets through web time entry and record all time worked
- Nonexempt staff are paid 1.5x their regular hourly rate for any time worked that exceeds 40 hours in a workweek
- Overtime must be approved by the supervisor in advance
- Overtime that has not been approved by the supervisor in advance must still be paid
- Nonexempt staff are paid on an hourly basis (on the bi-weekly (B2) payroll) every other week a month (e.g., a full time nonexempt staff member will generally earn 1/26th of their annual salary each pay period.)

### Work Schedules & Paid Time Off

- Nonexempt staff are required to work according to the schedule set by their supervisor
- Nonexempt staff are expected to notify their supervisors prior to being absent from work for any reason, and to notify their supervisors as soon as possible in the event of an unusual and emergency situation.
- Nonexempt staff use paid time off by the hour or half-hour
- Paid time off and other leaves (i.e. jury duty, bereavement, etc.) are reported by the staff member and reviewed by the supervisor via Esther on a bi-weekly basis through web time entry
- If nonexempt staff members work part of a day and are absent from work for a portion of the day, whether it be for a doctor’s appointment, to handle a family matter, to attend a religious or social event, etc., they may either use paid time off in half hour segments to cover the time they are unable to work, or, they may work with their supervisor to make up the time missed during the same workweek.
- There is no “comp time” at Rice. For private employers, like Rice, “Comp time” is never permitted under the Fair Labor Standards Act; however, managers do have the flexibility to alter the work schedule within the workweek to keep the total number of hours worked at or under 40 hours.