OM 3.1.2 Exempt and Non-Exempt Employee Categories

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About This Policy

Effective Date: July 1987
Last Updated: April 2008
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The Fair Labor Standards Act Amendments of 1966 and further amendments of 2004 extended the coverage of the act generally to employees of institutions of higher education. This is interpreted to mean that the minimum wage, overtime, and equal pay provisions of the act would apply to all workers categorized as non-exempt employees, but not to those workers defined as exempt employees.

I. Exempt Employees

A. Bona fide executive, administrative, and professional employees may be exempt from the minimum wage and overtime requirements if they meet certain tests.

B. These tests generally relate to the individual's duties, responsibilities, and salary, but the principal requirement for exemption is the exercise of discretion and independent judgment.

C. Exempt employees at Clarkson University are compensated on a salary basis. Salaries are paid on a bi-weekly basis over 26 pay periods, including any fiscal year that has 53 weeks. Their salaries take into consideration the possibility of extra hours that the employees may need to work to fulfill requirements of the position. No extra compensation over normal salary is payable to exempt employees for such additional hours worked in fulfillment of their job description.

The following positions are considered exempt in light of the tests that were briefly outlined in item (B) above:

- Faculty Members
- Associate Directors
- Department Heads
- Assistant Directors
- Deans
- Associate Deans
- Assistant Deans
- Directors
- Supervisors

II. Non-Exempt Employees

A. These employees have an unusual variation in the degree of education, skill, and experience needed to perform their job, but their work is generally of a set, routine nature not requiring sufficient exercise of discretion and judgment to warrant exemption.

B. A non-exempt employee at Clarkson University is compensated on an hourly basis paid biweekly over 26 pay periods, including any fiscal year that has 53 weeks. The following are examples of non-exempt positions at Clarkson University under the provisions of the Fair Labor Standards Act:

- Secretaries
- Maintenance Mechanics
- Campus Safety Officer
- Custodians
- Payroll Assistant
- Students
- Grounds
- Accounting
- Assistant Cashiers
- Technicians

Human Resources will determine the category (exempt or non-exempt) of a position. Classification will be based on the review of a definitive job description prepared by the department head or administrator concerned, and a study of how the assigned responsibilities relate to the definitions of executive, administrative and professional of the Fair Labor Standards Act.