

FLSA

This memorandum explains the rules that govern your entitlement to cash overtime. Because the nature of your duties makes you exempt from coverage of the Federal Fair Labor Standards Act ("FLSA-exempt"), your entitlement to cash overtime is likely to be different than the entitlement of some of your co-workers. It may also differ from your former entitlement to cash overtime when you served in a different title or at a different salary level. Below are questions and answers that will explain the circumstances under which you are entitled to cash overtime.

1. Which employees are "FLSA-exempt"?

- a. The four general categories of exempt employees are:
 - i. Executive employees;
 - ii. Administrative employees whose primary duties involve the exercise of discretion and independent judgment with respect to matters of significance;
 - iii. Professional employees; and
 - iv. Computer-related employees (computer systems analysts, computer programmers, software engineers, and other "similarly skilled" workers).
- b. DCAS establishes a list of "FLSA-exempt titles" based on the criteria of the law. A list of the "FLSA-exempt titles" at DoITT is attached.
- c. Certain titles, designated on the attached list with a Z, contain both exempt and non-exempt employees.

2. When are "FLSA-exempt" employees entitled to earn cash overtime?

- a. An "FLSA-exempt" employee is entitled to earn cash overtime only if the employee has been ordered in writing (which can be an email) by a supervisor to work past regular business hours; and either:
 1. The employee's gross salary (including base salary, overtime, holiday pay, shift differential pay, etc.) has not yet exceeded \$74,079 in the calendar year; or
 2. The employee has received a waiver from OLR where compelling circumstances are presented by the employee's supervisor and sufficient time (i.e. approximately one month) is allowed to pursue the waiver.

3. Is an "FLSA-exempt" employee required to comply with an order to perform overtime work if he or she has not been granted a waiver?

- a. Yes, an "FLSA-exempt" employee, like any other employee, is always obligated to comply with an order from a supervisor to perform overtime work. Failure to comply with an order to work overtime will be considered insubordination regardless of whether or not an employee has been granted an OLR waiver.
- b. If an employee is ordered to work overtime, and is not entitled to cash overtime under the criteria explained in this memorandum, the employee will receive straight compensatory time for the overtime hours worked.

FLSA Status

Title	Title Code	FLSA-Status
Accountant	40510	E
Administrative Manager (NM)	1002C	E
Administrative Staff Analyst (NM)	1002A	E
Agency Attorney Intern (NC)	30086	E
Associate Call Center Representative	10271	Z
Associate Investigator	31121	E
Associate Labor Relations Analyst	13369	E
Associate Staff Analyst	12627	E
Attorney at Law	30085	E
Certified IT Administrator (Database)	13644	E
Certified IT Administrator (LAN)	13641	E
Certified IT Administrator (WAN)	13642	E
Certified IT Developer (Applications)	13643	E
Community Coordinator	56058	E
Computer Aide	13620	Z
Computer Associate (Operations)	13621	Z
Computer Associate (Software)	13631	E
Computer Associate (Technical Support)	13611	E
Computer Programmer Analyst	13651	E
Computer Specialist (Operations)	13622	E
Computer Specialist (Software)	13632	E
Director of Television	60666	E
Film Manager	90313	E
Labor Relations Analyst	13368	E
Principal Administrative Associate	10124	Z
Procurement Analyst	12158	E
Program Producer	60621	E
Staff Analyst	12626	E
Staff Analyst Trainee	12749	E
Supervising Computer Services Technician	13616	E
Supervisor of Radio & TV Operations	90436	E
Supervisor of Radio Repair Operations	90760	E
Telecommunications Associate (Data)	20246	E
Telecommunications Associate (Voice)	20247	E

E= FLSA Exempt

Z= Determined by duties of individual position