The Fair Labor Standards Act (FLSA) and applicable state law requires that most employees be paid at least minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. University classified employees must be paid overtime consistent with this requirement. Certain classification of workers such as executive, administrative, professional and outside sales employees are exempt from OT requirements.

**How do you qualify for an exemption?**
To qualify for an exemption, the position must meet both a salary and a job-duties requirement. A person’s job title does not determine exempt status.

1. The employee must be paid on a salary basis. Salary basis means that the exempt employee is paid the same amount regardless of the number of hours worked.
2. The employee must be performing specific job duties as set forth in the FLSA regulations.

**Who determines if an employee’s position is exempt?**

The determination of whether an employee’s position is exempt is made by Human Resource Services. An employer cannot decide to call an employee an executive or a professional to avoid overtime requirements. It is the specific duties that an employee performs that determine overtime status.

**Boise State Policy #7360**

**FLSA Covered Employees:** Classified employees whose positions are designated as “covered” by the FLSA and who are not designated as “Executive”, “Administrative”, or “Professional” per Idaho Code are eligible for cash compensation or compensatory time off from duty at the rate of one and one-half hour for overtime worked. Compensatory time off may be provided in lieu of cash compensation as determined by the supervisor or manager. Compensatory time not taken at the time of transfer to another agency or upon separation from state service shall be liquidated (paid) at the time of such transfer or separation by payment in cash. The requirement to compensate (cash compensation or compensatory time) for overtime worked may not be waived by an agreement between the employee and the supervisor. The compensatory leave accrual limit is 240 hours. No comp time may accrue beyond the 240 hour maximum; instead it must be paid in cash with the regular payroll cycle. To avoid overtime accrual, the supervisor may alter the employee’s work schedule within one normal work week to the extent that the employee may take an equal amount of time off within the same work week (e.g., employee can take four hours off Friday because he/she worked four extra hours on Tuesday of the same workweek).

**FLSA Exempt Employees:** Those classified employees whose positions are designated as “Administrative” or “Professional”, per the Federal Fair Labor Standards Act (FLSA), are ineligible to receive cash compensation for overtime work but are permitted to accrue compensatory time off for time worked in excess of 40 hours per workweek. Such compensatory time will accrue on an hour for hour basis to a maximum of 240 hours and is not transferable, thus is forfeited at the time of transfer to another state agency or separation. Classified employees designated as “Executive” as defined in Idaho Code are ineligible to earn compensatory time off or cash compensation for overtime worked. Such salaried classified employees shall report absences in excess of one-half day.