

FREQUENTLY ASKED EMPLOYEE QUESTIONS ABOUT OVERTIME EXEMPTION for 2024

Information provided is general and intended to address most situations. However, laws governing overtime provide exceptions to the general rule. If you have questions or the provided information does not seem to fit your situation, please give HR a call.

1. Why did my position become overtime eligible?

Short Answer: Washington State changed its process for setting the salary-level threshold used to determine exemption from overtime, resulting in more private and public sector employees being eligible for overtime pay.

The Federal Fair Labor Standards Act and Washington State's Minimum Wage Act govern overtime eligibility for employees working in Washington. In general, both Federal and State rules apply three tests (duties, salary and salary-level) to determine eligibility for overtime pay. In 2020, Washington State's Department of Labor & Industries (L&I) changed the process for setting the salary-level threshold test by:

- Linking the rate to Washington State's minimum wage, which is adjusted annually based on the Consumer Price Index.
- Applying a multiplier that increases incrementally from 1.25 to 2.5 times the State minimum wage by 2028.

Based on inflation and the increasing multiplier, each year the salary-level threshold increases causing more employees to become eligible for overtime pay.

Effective January 1, 2024, the minimum salary threshold for overtime exemption will be set at 2 times the state minimum wage for employers with 51 or more employees. This translates to \$1,302.40/week or \$67,724.80/year. Positions that do not meet the salary-level threshold can no longer be exempt from the Washington State Minimum Wage Act – even if they continue to meet the duties and salary tests.

2. What does “salary threshold” mean?

The salary threshold is the minimum amount that a salaried employee can be paid per week to be considered exempt from the Washington Minimum Wage Act, (the position's specific job duties also must meet the definition of an “executive,” “administrative” or “professional” worker – typically referred to as “white collar” jobs).

With an exception for teachers and “academic administrators”, this minimum salary threshold applies to both full-time and part-time salaried employees. This means that prorating the threshold for employees who work less than full-time is no longer an option. Regardless of the number of hours an employee is scheduled to work per week, to maintain the exemption the salary must meet the minimum salary threshold during each week the employee is paid (\$1,302.40 per week, effective January 1, 2024).

Employees whose primary duty is teaching and instructing are not subject to the minimum salary threshold and this change does not impact them. Likewise, positions that fit under the umbrella of “academic administrator¹” who are paid an amount at least equal to an entry-level instructor are not affected by this change.

¹ “Academic Administrators” are assigned administrative functions directly tied to instruction/training that require exercising discretion and independent judgement on issues of significance. These position's primary duties may include, for example, Updated January 2024

3. I'm paid twice a month. How do you determine weekly salary?

At Lower Columbia College, salaries are expressed in monthly rates, which are paid on a semi-monthly payroll schedule. The Washington State minimum salary threshold is expressed in terms of weekly salary. We determine an employee's weekly rate by multiplying the employee's monthly rate by 12 and dividing that amount by 52 weeks.

4. So, I'll get overtime pay for work time over 40 hours a week. Does anything else change?

Yes, there are other impacts to this change. Overtime eligible employees must be paid for all hours worked. This means they can't review/respond to e-mails off-work hours and all work hours must be tracked and time sheets submitted. It also means that all scheduled work hours must be accounted for – resulting in the need for overtime eligible employees to submit leave requests for all hours they are absent from work (unless they can flex their schedule to accommodate short-duration absences).

As described below, overtime eligible employees may not be allowed to take on additional work at the college, such as teaching part-time or project work paid through a stipend, as all work time must be accounted for and paid. Greater detail and additional changes are provided below.

5. Can employees choose to do catch-up work, text, call, retrieve voice mails, or check and send email after work hours on their own time?

No. Employees cannot volunteer their time to do work related to their job – even if they choose to do the work for their own benefit. This is considered work time and must be paid. If employees occasionally need to perform work outside of their regular hours, the employee's schedule can be adjusted during the rest of the week to accommodate. You should work with your supervisor ahead of time prior to making any accommodations or changes to schedule.

6. Is this change different than the Fair Labor Standards Act?

The current federal law establishes a minimum weekly salary threshold of \$821. Washington State law provides a higher threshold at \$1,302.40 per week. When federal and state law differ, employers are obligated to follow the standard that is most beneficial to employees. Since the higher state threshold is more generous, that threshold is applied.

7. Does this change make me an hourly employee?

No. By college policy and under the State and Federal laws, your position continues to be considered "professional," "administrative," or "executive" – it's only the salary-level threshold that's changing.

8. Does this change make me a classified employee?

No. Under state law, there are two types of exemptions: exemption from overtime and exemption from Washington State civil-service system and rules. Your position is still exempt from the civil-service system and rules. The exemption is based on the specific duties and responsibilities of the position.

curriculum development, evaluating quality/methods of instruction, measuring/testing learning and student learning potential/achievement, establishing/maintaining academic and grading standards and other aspects of the teaching program, academic counseling and employees with similar responsibilities.

9. Will this change my benefits?

No. There are no changes to your insurance benefits, retirement plan, vacation, sick leave or personal holiday accruals. The only change is that you will now be paid for actual hours worked, including overtime for hours worked over 40 in a workweek – and you must report the hours you worked in ctcLink each and every pay period.

10. What happens if I don't get supervisor approval before working extra hours?

You will be paid for all hours actually worked. If those hours exceed 40 for the work week, you will receive overtime pay at 1.5 times your regular rate for those hours. However, failing to get supervisor approval prior to working additional hours may result in corrective action, including discipline.

11. Is there an overtime request form required?

No. It is required that supervisors pre-approve overtime hours, as well as any hours worked over the employee's regular schedule in cases where employees work less than full-time. Pre-approval can be verbal or documented via email. A form to request approval is not required at this time.

12. How do I report my hours in ctcLink?

For full day absences, you will request the appropriate paid leave or leave without pay. For partial day absences, you will request both a partial day of paid leave or leave without pay and report the hours actually worked.

Time submittals and absence requests can be done throughout the pay period as hours are worked. You do not need to wait until the end of the pay period to submit. However, once the pay period ends, the timesheets are locked and employees can no longer submit or correct time and absence. We encourage you to submit time and absence early and often so that issues and questions that may arise can be resolved before the timesheets lock at the end of the pay period.

Time submitted by employees is not immediately available for supervisors to approve. A process runs nightly to move submitted time to supervisors. However, Payroll runs the process manually throughout the day during payroll deadlines. Please keep this in mind when submitting time so that your supervisor is able to approve your hours before timesheets are locked.

13. When are timesheets due?

Employees must submit timesheets on their last working day of each pay period, but no later than the deadline established by Payroll. Pay period end dates are the 15th and the last day of the month. Timesheets are required each and every pay period.

14. Does paid leave (holidays, vacation, sick leave, personal holidays) count as hours worked for overtime?

No. Federal and state overtime laws provide for hours worked to be counted when determining eligibility for overtime pay at time and a half. Paid state holidays, and hours reported as paid leave are not included. That is, you will be paid straight time for paid holidays and paid leave, but those hours will not be counted for purposes of determining if more than 40 hours were worked in the work week. Any hours worked in addition to your regular work day in the same week as a holiday or an absence will be paid at straight time. Collective bargaining agreements for other classifications of overtime-eligible employees, e.g. classified staff, follow different rules.

15. How do I report holiday pay?

For employees that are eligible for holiday pay, the paid state holidays include: New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day, Memorial Day, Juneteenth Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Native American Heritage Day, and Christmas Day. In ctcLink, employees who are deemed to be eligible (they are in paid status for the full day preceding the holiday) need to add a new row for an additional Time Reporting Code (TRC) of HOL for Holiday. If employees are not in paid status (they did not report work hours or request paid leave) on the day preceding the holiday, the holiday will be processed as not eligible and will not be paid.

16. Are my lunch periods and rest breaks considered time worked?

All rest breaks are considered time worked. In most cases, lunch periods are unpaid and are not considered time worked. Check with HR for exceptions.

17. Can my supervisor require that I adjust my schedule to avoid working more than 40 hours during a workweek?

Yes.

18. How much notice should I receive before my supervisor can change my work schedule?

A specific number of days is not required. Supervisors understand that employees may have family obligations, appointments, and other commitments that may need to be adjusted with a work schedule change. Supervisors are encouraged to work with employees and provide reasonable notice when they can.

19. I do not work full-time. How does this change affect me?

As a less than full-time overtime-exempt employee, you may have been used to working more or less than your scheduled work hours each week as work needs dictated. These minor fluctuations in work hours from week to week did not affect your salary. However, now as an overtime-eligible employee, you need to be paid for all hours worked each week, and you won't be paid for hours you do not work.

Although you may not actually work more than 40 hours in a workweek, you still need to be paid for all hours you do work, even when there are minor fluctuations to your schedule due to work needs. For example, if you work in a 50% full-time equivalent position (20 hours per week) and work 25 hours one week, you need to be paid additional straight time for the additional 5 hours. Likewise, if you are scheduled to work 20 hours per week and you only work 15 hours during the week, your salary for the week needs to be reduced for the 5 hours you did not work, or paid leave in the amount of 5 hours needs to be taken.

**** Remember, supervisor approval is required prior to working more than your scheduled work hours for the work week.**

20. Can employees receive compensatory time in lieu of overtime pay?

Yes, at the employee's request, an employer may approve compensatory time off in lieu of overtime pay. Compensatory time balances must be used or cashed out by June 30 of each year.

21. What effect will this change have on my ability to travel?

You may continue to travel for work. Time spent in travel status may be eligible for overtime depending upon the situation. Please contact Human Resources to discuss the travel plan specifics and how to report the time.

22. If I work during campus closure (i.e. inclement weather), what do I get paid?

If you work during campus closure, you do not receive extra pay. You are paid your regular rate of pay.

23. Can salaried overtime-eligible employees teach classes?

No. Overtime-eligible employees are not eligible to receive quarterly teaching contracts.

24. Can I continue to teach adjunct classes?

Unfortunately, no. Overtime eligible exempt employees are not able to teach in addition to their normal duties.

25. I am a cyclical employee. Are there any other changes that apply to me?

The salary threshold applies to the annual 12-month salary amount. For cyclical employees who have a 12-month salary amount under \$67,724.80 (after any legislatively funded COLA effective July 1, 2024), selecting cyclical days as week blocks will not be necessary for fiscal year 2024-2025.

26. What if employers do not comply with the new regulations?

Employers may be assessed civil money penalties (CMPs) of up to \$1,000 for each violation for repeated or willful violations of the minimum wage and overtime requirements of the Act.

CMPs are intended to discourage employers from future noncompliance and are not tied to the amount of the back-wage liability incurred. They will ordinarily be assessed based on violations occurring within a two-year investigation period. Where violations are determined to be willful, the investigation will cover a three-year period.

27. Where can I learn more about this?

You can learn more on the [Washington State Labor & Industries site](#) where you will find resources such as [FAQs](#), [implementation schedule](#), and [fact sheets](#) or you may contact Human Resources Additional information is referenced in [WAC 296-128-500](#) through [WAC 296-128-545](#).

28. Who should I contact in Human Resources if I need assistance with my timesheet or I have questions about flexing my schedule, travel status, or anything else related to this change?

Sherie Hockett, Payroll Manager, is the subject matter expert with regard to time and leave reporting in ctclink. You may contact HR at hr@lowercolumbia.edu with questions about flexing your schedule, travel, or the rules/guidelines for overtime eligible exempt employees.