



WASHINGTON STATE UNIVERSITY
Human Resource Services

APAC Meeting

Thursday, February 8, 2023

- Fair Labor Standards Act Updates
 - Equal Pay and Opportunities Act
 - Temp Hourly Employee Rule Changes
-



WASHINGTON STATE UNIVERSITY
Human Resource Services

Fair Labor Standards Act Updates and Reminders

Effective January 1, 2023

What does the FLSA cover?

- Sets and regulates:
 - Compensation
 - Minimum Wage
 - Overtime Pay
 - Compensable Time
 - Equal Pay Act of 1963
 - Child Labor Standards
 - Record Keeping
-

FLSA EXEMPTIONS

- Executive
- Administrative
- Professional
- Computer

<http://www.dol.gov/whd/flsa>

Three Tests:

1. Salary basis

2. **Salary test**

WA L&I threshold

Effective January 1, 2023

\$5,456.55 monthly

\$65,478.40 annually

3. Duties test

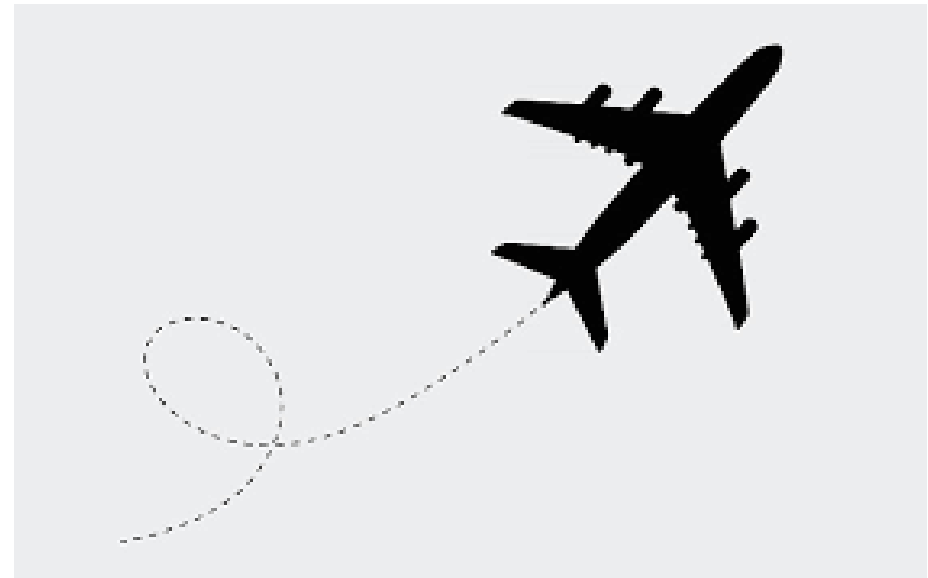
<https://www.lni.wa.gov/workers-rights/wages/overtime/changes-to-overtime-rules>

Overtime Eligible Employees – Brief Key Concepts

- All time from the start of the first principal activity (activities an employee is employed to perform) until the end of the last principal activity of the day.
 - This includes work at home, administrative paperwork, checking or responding to emails, preparing a presentation on a day off etc.
 - Hours worked over 40 in a workweek (WSU 12:01 am Sunday to midnight Saturday) must be compensated at one and one-half the regular rate of pay. It may be approved as compensatory time. **See [BPPM 60.59](#) for more information**
- Meal and Rest Breaks
 - Overtime eligible employees receive a minimum of a 30-minute unpaid meal break toward the middle of each work shift, no more than five hours after beginning of shift.
 - The meal period may not be required if the employee signs a written agreement with the department manager or director to voluntarily waive the meal period on a regular basis.
 - Overtime eligible employees receive a 15-minute paid rest period for every four hours worked (can be on an intermittent basis). Cannot be combined.

Overtime Eligible Employees – Travel Time

- Overtime eligible employees may earn overtime for required travel.
- ***Compensable or Not?***
 - Home to work
 - Public transportation
 - Travel as a passenger
 - Travel from worksite to worksite
 - Overnight travel away from home
 - Work while traveling
- Resource – [L&I Administrative Policy ES.C.2 “Hours Worked”](#)



Resources

U.S. Department of Labor

- www.dol.gov/whd/flsa

Department of Labor & Industries

- www.lni.wa.gov

Human Resource Services

- Pullman 509-335-4521
- Spokane 509-358-7554
- Tri Cities 509-372-7470
- Vancouver 509-546-9587
- URL: www.hrs.wsu.edu
- Email: hrs@wsu.edu
- [Overtime Eligibility Change FAQ's](#)





WASHINGTON STATE UNIVERSITY
Human Resource Services

Equal Pay and Opportunities Act – Job Postings

Effective January 1, 2023

Job Posting Requirements Effective January 1, 2023

- WSU must include the most reasonable and genuinely expected compensation range (lowest to highest) wage scale or salary range, a general description of all benefits and other compensation in job postings.
- Job Posting is defined as any solicitation, including recruitment done directly by an employer or indirectly through a third party, intended to recruit job applicants that includes all of the following:
 - Electronic or printed hard copy.
 - Qualifications for desired applicants.
 - Specific available position

<https://lni.wa.gov/workers-rights/wages/equal-pay-opportunities-act/#job-postings>

EPOA Reminders

- Unlawful to base an employee's pay or career advancement opportunities on their gender. Employees also have the protected right to discuss their wages and have the right to access certain wage and salary information.
- Hiring practices such as asking an applicant for their salary history or requiring an applicant to provide a minimum previous salary can contribute to ongoing earning inequalities, and are prohibited by law.
- Employers cannot seek the wage or salary history of an applicant. An employer may confirm an applicant's salary after the employer negotiates and makes an offer of employment, including pay, and the offer is accepted by the applicant.
- Employers cannot require that an applicant's prior wage or salary history meet certain criteria to be considered for the job.

EPOA Resources

- [L&I Equal Pay & Opportunities Act Website](#)
- [HRS Equal Pay and Opportunities Act – Frequently Asked Questions](#)

Questions?

Contact your [HRS Service Team](#)



WASHINGTON STATE UNIVERSITY
Human Resource Services

Temporary Hourly Employee Rule Changes

Effective July 1, 2022

Training Revised November 2022

Training Agenda

- Overview of rule changes
- Student Hourly Employees
- Non-Student Hourly Employees
- Professional Hourly
- Nonpermanent Positions

Overview of Rule Changes

RCW 41.06.070 previously exempted both part-time and temporary employees from state civil service laws.

These are positions we refer to as non student temporary hourly or “timeslip”

Limited to 1050 hours in a 12 month period

In 2018, the legislature amended the RCW to remove the reference to part-time employees



July 1,
2022

Effective July 1, 2022, only **temporary** hourly employees are exempt from civil service

Student Hourly Employees

- Student hourly employees will continue to be exempt from civil service
- Student hourly employees are not transitioned to non-student appointments during the summer (since Workday implementation)
- Otherwise, the same limits apply as prior to the rule change
 - Student if taking 6 credits, or 3 credits in the summer
 - Maximum 516 hours worked in any 6 consecutive months
 - Exceptions to the 516 limit still exist for student body officers, student news, and students working in their major
- Will need to be transitioned to another employee type when student status changes each semester (Department initiated)
 - Report will be run after the 10th day of each Fall/Spring semester

Non-Student Hourly Employees

- One appointment per lifetime, per higher education employer
- 1050 hours or 12 months maximum, whichever comes first
- Current non-student hourly employees “started the clock” on **July 1, 2022**
- No changes to recruiting for these positions
- No changes to benefit eligibility rules for these positions
- Title code will be “**8250-YN-Hourly Worker**”

Professional Hourly

- Non-Student hourly positions specifically for work that is **Administrative Professional** in nature
- Must meet [AP Exemption criteria](#)
- Will be very limited use

Nonpermanent Positions

The rule changes are going to allow higher education employers to hire into “nonpermanent” positions

These are different from project civil service positions

Nonpermanent Positions

Can be nonpermanent for the following reasons:

- (1) A permanent employee is absent from the position;
- (2) The employer is recruiting to fill a vacant position with a permanent appointment;
- (3) The employer needs to address a short-term immediate workload peak or other short-term needs;

If need becomes ongoing in nature, must take action to fill on permanent basis
- (4) The employer is not filling a position with a permanent appointment due to the impending or actual layoff of a permanent employee(s);
- (5) The nature of the work is sporadic and does not fit a particular pattern.

Workday will limit appointments for both types to 12 months

Nonpermanent Scheduled

Limited to 24 consecutive months

Nonpermanent Nonscheduled

No time limit

Nonpermanent Positions

- Nonpermanent employee will receive conditions of employment
- Remedial action possible if nonpermanent rules not followed
- *employees can have consecutive nonpermanent appointments to a *different* position
- Employment at will: require 1 work day notice to end appointment

Nonpermanent Positions

Compensation

Follows Civil Service classification and compensation

Leave

Eligible for annual leave, sick leave, and personal holiday the same as civil service and holiday or holiday credit

Benefit Eligibility

Eligible for benefits when individual/appointment meets the criteria (same as current process for non-student temporary hourly)

Recruitment

Positions can be recruited through Handshake (specified as nonpermanent in posting) or on a noncompetitive basis like current temp hourly positions

Compensation

Civil Service & Nonpermanent Scheduled

- “Classified Pay R030”
- Used for both CS and Nonpermanent Scheduled positions
- Civil Service Monthly Rate

Nonpermanent Nonscheduled

- “Classified Pay Hourly R030”
- This will be used for Nonpermanent Nonscheduled
- Civil Service Hourly Rate

Periodic Increment Date (PID)

- Nonpermanent will receive increases on their PID
- PID will always be 12 months from hire for nonpermanent
- PID is set for each position

Understanding new job profiles

- There have been significant additions to the job catalog in Workday to add job profiles for nonpermanent positions
- It is essential that the correct job profile is selected for the employee type
- Employee type identifiers have been added to the job profile:

Employee Type	Job Code Identifier
Administrative Professional	ADMINPRO
Civil Service, Non-Perm Scheduled	CS_NPS
Non-Perm Non-Scheduled	NPNS
Coach	COACH
Faculty	FACULTY
Graduate Assistant	GRADASST
Non-Student Hourly	NONSTUDENT
Student Hourly	STUDENT
Professional Hourly	PROFHOURLY
Whitcom	WHITCOM

Understanding new job profiles

- Job codes and titles read like the following:

100I - YN - NPNS - Office Assistant 2 - Hourly

Job code OT / BU eligibility Employee type Job title For NPNS only, indicates these job profiles are paid hourly

100I - YN - CS_NPS - Office Assistant 2

Job code OT / BU eligibility Employee type Job title

Time off and absence

- Nonpermanent employees receive time off and may be eligible for some medical leaves of absence.
- NPS - leave accruals are based upon FTE and state service credit (similar to civil service staff). They also receive holiday pay.
- NPNS - leave accruals are based upon the number of hours worked in the month. They earn Holiday Credit time off for holidays.
- All nonpermanent accruals and time offs will be calculated, requested and approved within Workday.
- Professional Hourly are only eligible for sick leave (1 hour per 40 hours worked) and accruals the same as temporary hourly accruals

Leave Balances

- Employees resigning from an AP, Faculty, or Civil Service position will require a break in service prior to moving into nonpermanent
- Leave will be paid out from the AP, Faculty or CS appointment and not carried over to the nonpermanent appointment
- Action will be processed in Workday as a change job with a “Separation from Fac/Staff” as the reason code

Additional Resources

- Contact the HR Service Team assigned to your College/Area
- HRS Website: FAQ's for nonpermanent
- BPPM's (to be updated)
- Modernization Website: Nonpermanent site
 - Decision guide for new EE types
 - Detailed information on time off and leave accruals for each employee type
- Workday Knowledge Base:
 - Reference guides for hire, change job, compensation, and time and absence have been updated to include nonpermanent information
 - Additional articles for holiday credit and personal holiday for NPNS employees, Add job vs change job flow chart, reasons guide for change job between nonpermanent and other employee types.