NHSA Overtime Work Group

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NHSA Overtime Work Group

- Understanding the Challenge
- Clarifying and Recommending NHSA Support Options
Framing the Challenge

- DOL Has Made Regulatory Changes Impacting Almost all Employers Including Head Start Grantees
- These New Regulations Take Effect on December 1, 2016
Framing the Challenge

**Who Is Exempt From Overtime Is Determined by...**

1. The Professional Nature of the Job With Extensive Defining Regulations
2. The Fact That the Job Holders are Considered to be Salaried
3. A DOL-Determined Minimum Salary Level That Must Be Paid In Order to Be Exempt
Framing the Challenge

• DOL Did NOT Change the Rules Regarding the *Type of Work* That is Exempt.
• The Position Must *Continue To Be Salaried*...No Change Here
• The Big and Far-Reaching Change is in the *Level of Compensation, with the New Minimum being $913 per week or $47,476 annually*
Special Considerations for Teachers

• Teachers, Attorneys and Physicians Are Exempt from The FLSA as it Applies to Overtime Requirements...

• Except that DOL Has Proceeded to Further Define the Teacher Exemption

• Section 541.303 Defines Who Qualifies to Be a Teacher This is On Our NHSA FLSA Webpage https://www.nhsa.org/fair-labor-standards-act
Special Considerations for Teachers

• DOL Has Determined That The Teacher Exemption Only Applies to Teachers Meeting the Teacher Definition AND Who Are Working In An Educational Establishment

• This is Also Reproduced on Our NHSA Webpage

• Only Those Head Start Grantees Operated Through Schools or Similar Institutions will Likely Qualify as Educational Establishments Under 541.204(b)
Other Considerations...

- Most Grantees Will See This Impact Managers and Supervisors Who Are Now Salaried...Very Situational From One Grantee to Another
- Challenge of What Constitutes “Work”...Especially Work Offsite
- How To Manage Electronic Communications...All Equal “Work”
- The Morale and “Professional” Dimension Must Be Managed With Staff
- Special DOL Definitions of “Travel” and How It Applies to Overtime
- Allow No “Work Not Recorded” Significant Penalties Apply Here
Clarifying and Recommending NHSA Actions

- Examine NHSA Advocacy Options...
  - 1. Very Limited Given the Combination of Universal Applicability and the NPRM Regulatory Route Selected by DOL
  - 2. Long Term This Might Become an Option
Clarifying and Recommending NHSA Actions

- *Education Is The Key NHSA Role and Is In Place...*
  - 1. Survey Completed To Identify Gaps and Needs
  - 2. Webinar Offered
  - 3. Established an Information-rich Webpage
  - 4. Pre-event and This Session At the Fall Leadership Institute
  - 5. Additional Support Resources
Your Next Steps...

- Research The Information Available On Our Webpage/DOL
- Consult With Your Attorney and Accountant to Determine Your Best Route Forward
- Work Through the Emotional Side of This With Your Staff
- Establish Effective Systems to Manage Hours/Overtime
- Budget and Re-budget as Your History Informs You
- Allow No “Work Not Reported”