

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”***