

FAIR LABOR STANDARDS ACT (FLSA)
 Policy administration - FAQs
 Created: May 2021

Section 4. Responsibilities	<p>Q1. Will classifiers be making the FLSA determination as they currently do? A1. This new FLSA policy does not change existing HR roles/responsibilities.</p>
FLSA Worksheet	<p>Q2. Will the old PDs need to be updated with the new FLSA worksheet? A2. FLSA worksheets will be updated when PDs are recertified. [See Position Management and Position Classification Policy Handbook, section 2.9 POSITION RECERTIFICATION]</p> <p>Q3. When does HR need to attach an FLSA worksheet to the PD? A3. This new FLSA worksheet will be attached to all PDs with a FLSA <i>exempt</i> designation. This is to ensure proper documentation of the analysis and justification for determining that a position is not covered by the FLSA and to ensure proper recordkeeping.</p>
Implementation	<p>Q4. How do we address changes in FLSA determinations when the new policy is applied and the outcome on the worksheet is different from the current determination (e.g., the position is currently Exempt but we now conclude it should be Nonexempt, and vice versa)? A4. The collection of the overpayment debt against the employee due to an administrative error would be against equity and good conscience and not in the best interests of the United States. Therefore, if a past administrative error is discovered during the application of this new policy worksheet, and a position is changed from Nonexempt to Exempt, then the change is effective on the first day of the next pay period, or as soon as practical. A change from Exempt to Nonexempt will require the application of 5 CFR 551 and the 2-year statute of limitation.</p>