Western Michigan University
FLSA Frequently Asked Questions:
Recording and Paying Hours Worked for Nonexempt (hourly) Employees

Please note: The questions and answers below are designed to give general guidance. Be sure to contact your HR Representative with any specific questions as the FLSA guidelines are somewhat complex and are often situation specific.

1. How does flex time differ from Comp (compensatory) time?

   *Flex time* is utilized at WMU. Flex time is adjusting your work schedule, with your supervisor’s approval, during a work week within the parameters outlined in the WMU Employee Handbook.

   *Comp time* is not allowed under University policy. Comp time would require that departments provide 1.5 hours of time off for every hour worked over 40 within a work week.

2. I respond to emails in the evenings and on weekends. My supervisor has not asked that I do so. Do I have to report this time as hours worked if I choose to respond to work emails on my own time?

   Yes. Nonexempt employees must report the time spent responding to work-related emails on their own time as hours worked. This is required for the University to be compliant with the FLSA regulations. With that said, if your supervisor does not want you to respond to emails in the evenings or on weekends, you should follow your supervisor’s instructions.

3. Are instances when I stop on the way to or from work to pick up work supplies or food for a work even counted as hours worked?

   Yes, if you stop to pick up work-related supplies before arriving at work, your work day starts when you arrive at the location where you are picking up the supplies. If you stop to pick up work-related items at the end of the day, your work day ends when you leave the location where you are picking up the supplies.

4. If a nonexempt employee works 10 hours one day, can a supervisor require that they leave early on (an)other day(s) to ensure that they don’t accrue overtime for that week?

   Yes, as long as the 10-hour day was not the last work day of the work week. HR recommends that supervisors work with the employee to schedule the shorter work day(s) during the same work week and on days that are best for both the employee and the department.

5. On-call workers who are frequently interrupted with work issues should count all on-call hours as hours worked. How is “frequently” defined in this situation?

   The time the employee spends actually responding to work issues while on-call counts as hours worked. The Department of Labor does not provide specific guidance on how frequently the employee must be interrupted before all on-call hours must be counted as hours worked. The employer should evaluate the extent to which the on-call employee was able to utilize the time for his/her own purposes. Could the employee engage in personal activities? If you have questions
regarding what should be counted as hours worked while on-call, or as a supervisor of an on-call employee, please consult with your HR representative.

6. If a full-time nonexempt employee has an additional appointment, are the hours from the second job considered overtime?

Yes, if the employee works 40 hours in his/her primary appointment in a work week, then the hours worked in the secondary job must be paid at 1.5 times the employee’s regular rate of pay. The regular rate of pay is defined as the weighted average rate for the pay rates for the two jobs.

To the extent that the employee’s primary job is less than full-time, straight-time may be paid for any hours associated with the secondary job up to 40 hours worked in a work week for that employee in all jobs combined. Then, all hours worked beyond 40 in a work week must be paid at 1.5 times the employees regular rate.

In both instances, the overtime costs are incurred by the department where the secondary appointment is held.

7. When is my attendance at an event, training, seminar, workshop or conference NOT considered hours worked?

These activities are considered hours worked UNLESS:
   1) attendance is outside your regularly scheduled work hours,
   2) attendance is voluntary,
   3) the activities are NOT directly related to your job, and
   4) you are not performing any work during the event.

Example: You are voluntarily taking a for-credit course at WMU utilizing your employee tuition benefit for future advancement or some other personal benefit – NOT considered hours worked.

8. If my supervisor, manager, chair, dean or vice president encourages me to attend an event, training, seminar, workshop or conference AFTER or OUTSIDE of my regularly scheduled work hours, do I report the time as hours worked?

Yes, if you are being encouraged to attend because it directly relates to your job, is not considered voluntary or you perform any work during the event.

Example: Your dean encourages you to attend an event to welcome and interact with first-year students—Report as hours worked.