



THE STATE OF FLORIDA
JUSTICE ADMINISTRATIVE COMMISSION

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MEMORANDUM #05-16HR

TO: Agency Administrators

FROM: Carolyn Horwich, Esq., Director of Human Resources

THROUGH: Rip Colvin, Executive Director

SUBJECT: Fair Labor Standards Act

DATE: March 23, 2016

To date, the U.S Department of Labor (DOL) has not issued its final regulations amending the overtime provisions of the Fair Labor Standards Act. Please see attached Management Advisory from the Florida Department of Management Services.

The Justice Administrative Commission Human Resources section has secured a commitment for training on the new regulations from a DOL Community Outreach and Planning Specialist. At present, we have no timeline for the final rules being issued and implemented and therefore have no tentative dates for training. We will make every effort to keep the entities we administratively serve apprised of any developments in as timely a manner as possible.

Thank you.



**DIVISION OF HUMAN RESOURCE MANAGEMENT
ADVISORY**

STATE PERSONNEL SYSTEM

ADVISORY: HRMA #2016-002

DATE: March 23, 2016

SUBJECT:

Fair Labor Standards Act (FLSA) White-Collar Exemption Update

STATUTES/RULES/REGULATIONS/LAWS:

Fair Labor Standards Act

FORMS: N/A

ADDITIONAL REFERENCE MATERIALS: N/A

Dear Colleagues,

On March 14, 2016, the Department of Labor (DOL) sent to the federal Office of Management and Budget for review its proposed final rule changes for determining which workers are eligible for overtime pay. After the review period, which could take as long as several months or as short as a few weeks, the final rule will be published in the *Federal Register* and may take effect within as little as 60 days of publication. The content of the proposed final version was not released.

As a reminder, suggested steps that agencies should be taking in preparation for the rule's release are listed below:

- Review the position descriptions of excluded employees to ensure job duties are accurately stated. (This work should have already begun as part of the implementation and annual review of SMART expectations for state employees).
- Identify and review those excluded positions which may not meet the FLSA exemption tests for the white-collar exemption because of the new salary component of the proposed regulatory changes.

This is all the updated information we have to date. We do suggest that if your agency has not already begun your review process that you do so at this time.

We will provide additional information as it becomes available from the DOL. Please share this information with relevant parties. If you have any questions, please contact Amy White-Ray at (850) 488-2866 or e-mail at Amy.White-Ray@dms.myflorida.com.

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