

Respond to Jane by 3pm on Tuesday

Saved as: P: DOL Response to ECOP

- 1) How many institutions are in your region?
- 2) Of those, how many institutions consider the implementation of the DOL overtime rule to be an issue?
- 3) Of those institutions where implementation of the overtime rule is an issue, is it a state concern or would there be benefit from having a national statement on the issue? (Please provide comment as appropriate.)
- 4) How many institutions in your region would benefit from an ECOP webinar encouraging the sharing of overtime rule implementation strategies and best practices?
- 5) What institution(s) from your region would you recommend be represented on a webinar?

New Hampshire

- 1) Does your institution consider the implementation of the DOL overtime rule to be an issue?

Yes, UNH does feel that the implementation of the rule will result in financial constraints on programs where staff salaries will need to be increase. Additionally, this rule will impact staff whose positions will now be reclassified to hourly/benefitted causing additional burdens to impacted staff and supervisors.

- 2) If the implementation of the overtime rule is an issue, is it a state concern or would there be benefit from having a national statement on the issue? (Please provide comment as appropriate.)

I am not sure if a national statement would be beneficial. UNH is already implementing the change.

- 3) Would you benefit from an ECOP webinar encouraging the sharing of overtime rule implementation strategies and best practices?

Yes, I believe an ECOP webinar would be beneficial.

Delaware

- 1) Does your institution consider the implementation of the DOL overtime rule to be an issue?
Yes, but a decision has been made and extension agents will be considered exempt

2) If the implementation of the overtime rule is an issue, is it a state concern or would there be benefit from having a national statement on the issue? (Please provide comment as appropriate.) Not at this time

3) Would you benefit from an ECOP webinar encouraging the sharing of overtime rule implementation strategies and best practices? Not at this time but glad to support others that would benefit and are more immersed in this issue.

Pennsylvania

1) Does your institution consider the implementation of the DOL overtime rule to be an issue?

Yes, they consider it an issue because of the number of educators and other job classifications in the University that are affected. At Penn State, educators are classified as staff, not faculty. Therefore, in order for educators to be exempt from the new FLSA they must meet the requirements for the Professional Exemption category. Currently, they have us classified under the administration exemption, which was OK when the base salary was \$23,000 but isn't since the base has been raised to \$47,476. They need to move us to the Professional exemption from the administrative exemption category within our HR system to qualify for the education exemption. Nothing is straight forward.

2) If the implementation of the overtime rule is an issue, is it a state concern or would there be benefit from having a national statement on the issue? (Please provide comment as appropriate.)

Both, it is a state issue but it would be very helpful if there was a common response suggesting that Extension educators should be classified as exempt staff with primary responsibility for teaching. The issue I am up against right now is that for the exemption test educator's primary duty and responsibility must be teaching. In our HR system, everyone has to develop a Job Responsibility Worksheet (JRW). In this sheet they must identify each part of their job and the percentage of time it involved. Right now they are all over the place and many do not talk about education or teaching specifically and if they do it is maybe 30 to 40% of their time worked. In order for us to get the exemption, Legal Counsel and Central HR will need to feel they have the ability to defend the University's decision. We are good regarding the Smith-Level Act language, our promotion process and annual review process, but the JRWs are a problem that we will need to fix. It would be helpful to have documentation from across the system of how each institution is coming down on the issue. The more evidence that our peers are classifying educators in the staff classification as meeting the education exemption, the more likely all institutions will follow suit.

3) Would you benefit from an ECOP webinar encouraging the sharing of overtime rule implementation strategies and best practices?

I don't think a webinar would be helpful for me. I have read them and am clear on what is required, including what is in the Federal Register that defines the exemptions in more detail. Also, it isn't just the federal rules but the state rules th