

Fair Labor Standards Act (FLSA)

What is the Fair Labor Standards Act?

The Fair Labor Standards Act (FLSA) is a federal law which establishes minimum wage, overtime pay eligibility, record-keeping and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

What is the difference between exempt and non-exempt employees?

Non-exempt employees are eligible to earn overtime, while exempt employees are not. If you are a non-exempt employee, you will utilize Banner Time Entry to document all time worked on a daily basis, as well as leave time taken. If you are an exempt employee, you will not be required to track your time and will still use Self Service Banner for leave purposes.

How do I know if I am an exempt or non-exempt employee?

To be exempt from earning overtime under FLSA regulations, employees must meet a three-prong test:

1. Must be paid on a salary basis.
2. Must earn a minimum of \$35,568 annually.
3. Must meet the test for executive, professional or administrative duties.

Employees who do not meet the three-prong test will be non-exempt and eligible to earn overtime. To ensure compliance with these updated regulations, non-exempt employees must log the time they are working each day and week using Banner Time Entry within Banner Self Service (Employee)

If you have questions about your status, please contact the Office of Human Resources at hr@AState.edu or 870-972-3454.

More information can be found in the [ASU System Operating Procedure](#).

Revision #4

Created 2025-05-20 20:10:05 UTC by Catherine Naylor

Updated 2025-08-15 20:39:00 UTC by Kristin Carson