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3 Keys to Managing the FLSA Overtime Rule Change



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On May 18, 2016, the Obama Administration released the final rule of the Department of Labor's (DOL) updates to the Fair Labor Standards Act (FLSA) overtime provisions. The Final Rule regulations increase the salary threshold needed to qualify for overtime exemption from \$455/week (\$23,600 per year) to (\$913 per week; \$47,476 annually for a full-year worker).

It is estimated that the new overtime rule will affect 7.4 million establishments and cost employers approximately \$592.7 million to become familiar with the regulations.

All employers must comply with the new rule by December 1, 2016. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

This guide will outline the 3 best practices employers can implement to effectively manage the transition and ensure they are complying with the new rule. This guide does not constitute legal or tax advice.

Did You Know?

The overtime rule was last amended in 2004 by the Bush Administration. The threshold established at that time was \$23,660.



3 Keys to Managing the FLSA Overtime Rule Change



1. Determine which employees will be affected

The first step in this process is to understand which employees will be affected. In order to get a clear picture, employers should start by examining which full-time employees earn less than \$47,476 AND work more than 40 hours per week.

[illegible]

You may find it helpful to work with their payroll and time and attendance provider to compile reports of employees' actual annual earning and average weekly hours worked. To ensure the greatest accuracy, these reports should be linked and accessible in one location from one provider.

Did You Know?

The Final Rule is expected to extend
overtime protections to over

4 million workers.



2. Evaluate the most cost-effective option

You have limited options to respond to the new overtime rule. According to the DOL, you can:

- a) pay time-and-a-half for overtime work
- b) raise employees' salaries above the threshold
- c) limit employees to 40 hours per week
- d) some combination of the above

Each employee has unique circumstances that determine whether you should begin paying them overtime or raise their salary to meet the minimum threshold amount.

| Snapshot of Paying Overtime vs. Increasing an Employee's Salary | | | | |
|---|----------------|--------------|------------------------------------|--|
| | Current Salary | Hours Worked | Overtime an employee could receive | Amount employer would have to raise income |
| Tim | \$30,000 | 48 | \$8,653.85 | \$17,477 |
| Alice | \$40,000 | 50 | \$14,423.08 | \$7,477 |
| Claire | \$45,000 | 44 | \$6,490.38 | \$2,477 |

As you can see from the scenario above, it may be more cost-effective for the company to raise Alice and Claire's pay to meet the minimum threshold of \$47,476. However, in Tim's case it may be more cost-effective for the company to pay him overtime wages. **Visit www.netchexonline.com/dol** to access our helpful calculator and compare which option works best for your company.

Did You Know?

Employers are allowed to utilize nondiscretionary bonuses, incentive payments and commissions to satisfy up to 10% of the new minimum salary requirements, but they must be paid at least quarterly.



3. Communicate All Changes to Employees

It is important to communicate any change in employee pay structure due to the FLSA rule change, especially if the change moves a salaried employee to an hourly pay structure. Some employees may feel that the change is a demotion or a change in status.

One tactic to overcome employee doubts is to utilize a Total Compensation Statement to show employees a clear picture of their actual annual pay, benefits and nondiscretionary bonuses.

NETCHEX[®] 2012 Total Compensation Statement (DIBCO AS SUPPLY COMPANY)

We are pleased to present your 2012 Total Compensation Statement. Should you have questions regarding compensation or benefits, please contact Human Resources.



Total Compensation Note: These are only estimated amounts calculated by annualizing current pay roll date and benefit elections. We provide you with compensation in the form direct pay (wages) and indirect pay (benefits). The total value of your benefits and wages are as follows:

| Wages and Benefits | | | | |
|---|--|-----------------------|-----------------------|--|
| Wages | In-Vet Amount | Employee Contribution | Employer Contribution | Total |
| Base Salary | | | \$52,000.00 | |
| Benefits | | | | |
| Health Insurance | | | | |
| FICA (Social Security and Medicare) | | \$2,044.00 | \$4,531.50 | \$6,575.50 |
| Veterans Health | | \$0.00 | \$214.00 | \$214.00 |
| Life Insurance | | \$0.00 | \$3,500.00 | \$3,500.00 |
| Employer-Sponsored | | | | |
| Child Support \$5 | \$500.00 | \$0.00 | \$0.00 | \$500.00 |
| Child Support \$75 | \$250.00 | \$0.00 | \$0.00 | \$250.00 |
| Health Insurance \$8 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Health Insurance \$2 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 |
| Health Insurance \$25 | \$250.00 | \$0.00 | \$0.00 | \$250.00 |
| Health Insurance \$50 | \$500.00 | \$0.00 | \$0.00 | \$500.00 |
| Health Insurance \$100 | \$1,000.00 | \$0.00 | \$0.00 | \$1,000.00 |
| Health Insurance \$200 | \$2,000.00 | \$0.00 | \$0.00 | \$2,000.00 |
| Health Insurance \$400 | \$4,000.00 | \$0.00 | \$0.00 | \$4,000.00 |
| Health Insurance \$800 | \$8,000.00 | \$0.00 | \$0.00 | \$8,000.00 |
| Health Insurance \$1,600 | \$16,000.00 | \$0.00 | \$0.00 | \$16,000.00 |
| Health Insurance \$3,200 | \$32,000.00 | \$0.00 | \$0.00 | \$32,000.00 |
| Health Insurance \$6,400 | \$64,000.00 | \$0.00 | \$0.00 | \$64,000.00 |
| Health Insurance \$12,800 | \$128,000.00 | \$0.00 | \$0.00 | \$128,000.00 |
| Health Insurance \$25,600 | \$256,000.00 | \$0.00 | \$0.00 | \$256,000.00 |
| Health Insurance \$51,200 | \$512,000.00 | \$0.00 | \$0.00 | \$512,000.00 |
| Health Insurance \$102,400 | \$1,024,000.00 | \$0.00 | \$0.00 | \$1,024,000.00 |
| Health Insurance \$204,800 | \$2,048,000.00 | \$0.00 | \$0.00 | \$2,048,000.00 |
| Health Insurance \$409,600 | \$4,096,000.00 | \$0.00 | \$0.00 | \$4,096,000.00 |
| Health Insurance \$819,200 | \$8,192,000.00 | \$0.00 | \$0.00 | \$8,192,000.00 |
| Health Insurance \$1,638,400 | \$16,384,000.00 | \$0.00 | \$0.00 | \$16,384,000.00 |
| Health Insurance \$3,276,800 | \$32,768,000.00 | \$0.00 | \$0.00 | \$32,768,000.00 |
| Health Insurance \$6,553,600 | \$65,536,000.00 | \$0.00 | \$0.00 | \$65,536,000.00 |
| Health Insurance \$13,107,200 | \$131,072,000.00 | \$0.00 | \$0.00 | \$131,072,000.00 |
| Health Insurance \$26,214,400 | \$262,144,000.00 | \$0.00 | \$0.00 | \$262,144,000.00 |
| Health Insurance \$52,428,800 | \$524,288,000.00 | \$0.00 | \$0.00 | \$524,288,000.00 |
| Health Insurance \$104,857,600 | \$1,048,576,000.00 | \$0.00 | \$0.00 | \$1,048,576,000.00 |
| Health Insurance \$209,715,200 | \$2,097,152,000.00 | \$0.00 | \$0.00 | \$2,097,152,000.00 |
| Health Insurance \$419,430,400 | \$4,194,304,000.00 | \$0.00 | \$0.00 | \$4,194,304,000.00 |
| Health Insurance \$838,860,800 | \$8,388,608,000.00 | \$0.00 | \$0.00 | \$8,388,608,000.00 |
| Health Insurance \$1,677,721,600 | \$16,777,216,000.00 | \$0.00 | \$0.00 | \$16,777,216,000.00 |
| Health Insurance \$3,355,443,200 | \$33,554,432,000.00 | \$0.00 | \$0.00 | \$33,554,432,000.00 |
| Health Insurance \$6,710,886,400 | \$67,108,864,000.00 | \$0.00 | \$0.00 | \$67,108,864,000.00 |
| Health Insurance \$13,421,772,800 | \$134,217,728,000.00 | \$0.00 | \$0.00 | \$134,217,728,000.00 |
| Health Insurance \$26,843,545,600 | \$268,435,456,000.00 | \$0.00 | \$0.00 | \$268,435,456,000.00 |
| Health Insurance \$53,687,091,200 | \$536,870,912,000.00 | \$0.00 | \$0.00 | \$536,870,912,000.00 |
| Health Insurance \$107,374,182,400 | \$1,073,741,824,000.00 | \$0.00 | \$0.00 | \$1,073,741,824,000.00 |
| Health Insurance \$214,748,364,800 | \$2,147,483,648,000.00 | \$0.00 | \$0.00 | \$2,147,483,648,000.00 |
| Health Insurance \$429,496,729,600 | \$4,294,967,296,000.00 | \$0.00 | \$0.00 | \$4,294,967,296,000.00 |
| Health Insurance \$858,993,459,200 | \$8,589,934,592,000.00 | \$0.00 | \$0.00 | \$8,589,934,592,000.00 |
| Health Insurance \$1,717,986,918,400 | \$17,179,869,184,000.00 | \$0.00 | \$0.00 | \$17,179,869,184,000.00 |
| Health Insurance \$3,435,973,836,800 | \$34,359,738,368,000.00 | \$0.00 | \$0.00 | \$34,359,738,368,000.00 |
| Health Insurance \$6,871,947,673,600 | \$68,719,476,736,000.00 | \$0.00 | \$0.00 | \$68,719,476,736,000.00 |
| Health Insurance \$13,743,895,347,200 | \$137,438,953,472,000.00 | \$0.00 | \$0.00 | \$137,438,953,472,000.00 |
| Health Insurance \$27,487,790,694,400 | \$274,877,906,944,000.00 | \$0.00 | \$0.00 | \$274,877,906,944,000.00 |
| Health Insurance \$54,975,581,388,800 | \$549,755,813,888,000.00 | \$0.00 | \$0.00 | \$549,755,813,888,000.00 |
| Health Insurance \$109,951,162,777,600 | \$1,099,511,627,776,000.00 | \$0.00 | \$0.00 | \$1,099,511,627,776,000.00 |
| Health Insurance \$219,902,325,555,200 | \$2,199,023,255,552,000.00 | \$0.00 | \$0.00 | \$2,199,023,255,552,000.00 |
| Health Insurance \$439,804,651,110,400 | \$4,398,046,511,104,000.00 | \$0.00 | \$0.00 | \$4,398,046,511,104,000.00 |
| Health Insurance \$879,609,302,220,800 | \$8,796,093,022,208,000.00 | \$0.00 | \$0.00 | \$8,796,093,022,208,000.00 |
| Health Insurance \$1,759,218,604,441,600 | \$17,592,186,044,416,000.00 | \$0.00 | \$0.00 | \$17,592,186,044,416,000.00 |
| Health Insurance \$3,518,437,208,883,200 | \$35,184,372,088,832,000.00 | \$0.00 | \$0.00 | \$35,184,372,088,832,000.00 |
| Health Insurance \$7,036,874,417,766,400 | \$70,368,744,177,664,000.00 | \$0.00 | \$0.00 | \$70,368,744,177,664,000.00 |
| Health Insurance \$14,073,748,835,532,800 | \$140,737,488,355,328,000.00 | \$0.00 | \$0.00 | \$140,737,488,355,328,000.00 |
| Health Insurance \$28,147,497,671,065,600 | \$281,474,976,710,656,000.00 | \$0.00 | \$0.00 | \$281,474,976,710,656,000.00 |
| Health Insurance \$56,294,995,342,131,200 | \$562,949,953,421,312,000.00 | \$0.00 | \$0.00 | \$562,949,953,421,312,000.00 |
| Health Insurance \$112,589,990,684,262,400 | \$1,125,899,906,842,624,000.00 | \$0.00 | \$0.00 | \$1,125,899,906,842,624,000.00 |
| Health Insurance \$225,179,981,368,524,800 | \$2,251,799,813,685,248,000.00 | \$0.00 | \$0.00 | \$2,251,799,813,685,248,000.00 |
| Health Insurance \$450,359,962,737,049,600 | \$4,503,599,627,370,496,000.00 | \$0.00 | \$0.00 | \$4,503,599,627,370,496,000.00 |
| Health Insurance \$900,719,925,474,099,200 | \$9,007,199,254,740,992,000.00 | \$0.00 | \$0.00 | \$9,007,199,254,740,992,000.00 |
| Health Insurance \$1,801,439,850,948,198,400 | \$18,014,398,509,481,984,000.00 | \$0.00 | \$0.00 | \$18,014,398,509,481,984,000.00 |
| Health Insurance \$3,602,879,701,896,396,800 | \$36,028,797,018,963,968,000.00 | \$0.00 | \$0.00 | \$36,028,797,018,963,968,000.00 |
| Health Insurance \$7,205,759,403,792,793,600 | \$72,057,594,037,927,936,000.00 | \$0.00 | \$0.00 | \$72,057,594,037,927,936,000.00 |
| Health Insurance \$14,411,518,807,585,587,200 | \$144,115,188,075,855,587,200.00 | \$0.00 | \$0.00 | \$144,115,188,075,855,587,200.00 |
| Health Insurance \$28,823,037,615,171,174,400 | \$288,230,376,151,711,174,400.00 | \$0.00 | \$0.00 | \$288,230,376,151,711,174,400.00 |
| Health Insurance \$57,646,075,230,342,348,800 | \$576,460,752,303,423,488,000.00 | \$0.00 | \$0.00 | \$576,460,752,303,423,488,000.00 |
| Health Insurance \$115,292,150,460,684,697,600 | \$1,152,921,504,606,846,976,000.00 | \$0.00 | \$0.00 | \$1,152,921,504,606,846,976,000.00 |
| Health Insurance \$230,584,300,921,369,395,200 | \$2,305,843,009,213,693,952,000.00 | \$0.00 | \$0.00 | \$2,305,843,009,213,693,952,000.00 |
| Health Insurance \$461,168,601,842,738,790,400 | \$4,611,686,018,427,387,904,000.00 | \$0.00 | \$0.00 | \$4,611,686,018,427,387,904,000.00 |
| Health Insurance \$922,337,203,685,477,580,800 | \$9,223,372,036,854,775,808,000.00 | \$0.00 | \$0.00 | \$9,223,372,036,854,775,808,000.00 |
| Health Insurance \$1,844,674,407,370,955,161,600 | \$18,446,744,073,709,551,616,000.00 | \$0.00 | \$0.00 | \$18,446,744,073,709,551,616,000.00 |
| Health Insurance \$3,689,348,814,741,910,323,200 | \$36,893,488,147,419,103,232,000.00 | \$0.00 | \$0.00 | \$36,893,488,147,419,103,232,000.00 |
| Health Insurance \$7,378,697,629,483,820,646,400 | \$73,786,976,294,838,206,464,000.00 | \$0.00 | \$0.00 | \$73,786,976,294,838,206,464,000.00 |
| Health Insurance \$14,757,395,258,967,641,292,800 | \$147,573,952,589,676,412,928,000.00 | \$0.00 | \$0.00 | \$147,573,952,589,676,412,928,000.00 |
| Health Insurance \$29,514,790,517,935,282,585,600 | \$295,147,905,179,352,825,856,000.00 | \$0.00 | \$0.00 | \$295,147,905,179,352,825,856,000.00 |
| Health Insurance \$59,029,581,035,870,565,171,200 | \$590,295,810,358,705,651,712,000.00 | \$0.00 | \$0.00 | \$590,295,810,358,705,651,712,000.00 |
| Health Insurance \$118,059,162,071,741,130,342,400 | \$1,180,591,620,717,411,303,424,000.00 | \$0.00 | \$0.00 | \$1,180,591,620,717,411,303,424,000.00 |
| Health Insurance \$236,118,324,143,482,260,684,800 | \$2,361,183,241,434,822,606,848,000.00 | \$0.00 | \$0.00 | \$2,361,183,241,434,822,606,848,000.00 |
| Health Insurance \$472,236,648,286,964,521,369,600 | \$4,722,366,482,869,645,213,696,000.00 | \$0.00 | \$0.00 | \$4,722,366,482,869,645,213,696,000.00 |
| Health Insurance \$944,473,296,573,929,042,739,200 | \$9,444,732,965,739,290,427,392,000.00 | \$0.00 | \$0.00 | \$9,444,732,965,739,290,427,392,000.00 |
| Health Insurance \$1,888,946,593,147,858,085,478,400 | \$18,889,465,931,478,580,854,784,000.00 | \$0.00 | \$0.00 | \$18,889,465,931,478,580,854,784,000.00 |
| Health Insurance \$3,777,893,186,295,716,170,956,800 | \$37,778,931,862,957,161,709,956,800.00 | \$0.00 | \$0.00 | \$37,778,931,862,957,161,709,956,800.00 |
| Health Insurance \$7,555,786,372,591,432,341,913,600 | \$75,557,863,725,914,323,419,136,000.00 | \$0.00 | \$0.00 | \$75,557,863,725,914,323,419,136,000.00 |
| Health Insurance \$15,111,572,745,182,864,683,827,200 | \$151,115,727,451,828,646,838,272,000.00 | \$0.00 | \$0.00 | \$151,115,727,451,828,646,838,272,000.00 |
| Health Insurance \$30,223,145,490,365,729,367,654,400 | \$302,231,454,903,657,293,676,544,000.00 | \$0.00 | \$0.00 | \$302,231,454,903,657,293,676,544,000.00 |
| Health Insurance \$60,446,290,980,731,458,734,308,800 | \$604,462,909,807,314,587,343,088,000.00 | \$0.00 | \$0.00 | \$604,462,909,807,314,587,343,088,000.00 |
| Health Insurance \$120,892,581,961,462,917,468,617,600 | \$1,208,925,819,614,629,174,686,176,000.00 | \$0.00 | \$0.00 | \$1,208,925,819,614,629,174,686,176,000.00 |
| Health Insurance \$241,785,163,922,925,834,937,235,200 | \$2,417,851,639,229,258,349,372,352,000.00 | \$0.00 | \$0.00 | \$2,417,851,639,229,258,349,372,352,000.00 |
| Health Insurance \$483,570,327,845,851,669,874,470,400 | \$4,835,703,278,458,516,698,744,704,000.00 | \$0.00 | \$0.00 | \$4,835,703,278,458,516,698,744,704,000.00 |
| Health Insurance \$967,140,655,691,703,339,748,940,800 | \$9,671,406,556,917,033,397,489,408,000.00 | \$0.00 | \$0.00 | \$9,671,406,556,917,033,397,489,408,000.00 |
| Health Insurance \$1,934,281,311,383,406,679,497,881,600 | \$19,342,813,113,834,066,794,978,816,000.00 | \$0.00 | \$0.00 | \$19,342,813,113,834,066,794,978,816,000.00 |
| Health Insurance \$3,868,562,622,766,813,358,995,763,200 | \$38,685,626,227,668,133,589,957,632,000.00 | \$0.00 | \$0.00 | \$38,685,626,227,668,133,589,957,632,000.00 |
| Health Insurance \$7,737,125,245,533,626,717,991,526,400 | \$77,371,252,455,336,267,179,991,526,400.00 | \$0.00 | \$0.00 | \$77,371,252,455,336,267,179,991,526,400.00 |
| Health Insurance \$15,474,250,491,067,253,435,983,052,800 | \$154,742,504,910,672,534,359,830,528,000.00 | \$0.00 | \$0.00 | \$154,742,504,910,672,534,359,830,528,000.00 |
| Health Insurance \$30,948,500,982,134,506,871,966,105,600 | \$309,485,009,821,345,068,719,661,056,000.00 | \$0.00 | \$0.00 | \$309,485,009,821,345,068,719,661,056,000.00 |
| Health Insurance \$61,897,001,964,269,013,743,932,211,200 | \$618,970,019,642,690,137,439,322,211,200.00 | \$0.00 | \$0.00 | \$618,970,019,642,690,137,439,322,211,200.00 |
| Health Insurance \$123,794,003,928,538,027,487,864,422,400 | \$1,237,940,039,285,380,274,878,644,224,000.00 | \$0.00 | \$0.00 | \$1,237,940,039,285,380,274,878,644,224,000.00 |
| Health Insurance \$247,588,007,857,076,054,975,728,844,800 | \$2,475,880,078,570,760,549,757,288,444,800.00 | \$0.00 | \$0.00 | \$2,475,880,078,570,760,549,757,288,444,800.00 |
| Health Insurance \$495,176,015,714,152,109,951,457,689,600 | \$4,951,760,157,141,521,099,514,576,896,000.00 | \$0.00 | \$0.00 | \$4,951,760,157,141,521,099,514,576,896,000.00 |
| Health Insurance \$990,352,031,428,304,219,902,915,379,200 | \$9,903,520,314,283,042,199,029,153,792,000.00 | \$0.00 | \$0.00 | \$9,903,520,314,283,042,199,029,153,792,000.00 |
| Health Insurance \$1,980,704,062,856,608,439,805,830,758,400 | \$19,807,040,628,566,084,398,058,307,584,000.00 | \$0.00 | \$0.00 | \$19,807,040,628,566,084,398,058,307,584,000.00 |
| Health Insurance \$3,961,408,125,713,216,879,611,661,516,800 | \$39,614,081,257,132,168,796,116,615,168,000.00 | \$0.00 | \$0.00 | \$39,614,081,257,132,168,796,116,615,168,000.00 |
| Health Insurance \$7,922,816,251,426,433,759,223,323,033,600 | \$79,228,162,514,264,337,592,233,323,033,600.00 | \$0.00 | \$0.00 | \$79,228,162,514,264,337,592,233,323,033,600.00 |
| Health Insurance \$15,845,632,502,852,867,518,446,646,067,200 | \$158,456,325,028,528,675,184,466,646,067,200.00 | \$0.00 | \$0.00 | \$158,456,325,028,528,675,184,466,646,067,200.00 |
| Health Insurance \$31,691,265,005,705,735,036,893,292,134,400 | \$316,912,650,057,057,350,368,932,921,344,000.00 | \$0.00 | \$0.00 | \$316,912,650,057,057,350,368,932,921,344,000.00 |
| Health Insurance \$63,382,530,011,411,470,073,786,584,268,800 | \$6 | | | |

Netchex offers employers more than a payroll software. We are a team of payroll, tax, and HR professionals that become an extension of your staff by providing the service and support today's businesses need. With easy access to HR metrics & reporting like Average Hours Worked, Employee Salary Reports, and Total Compensations, Netchex offers all the resources you need to manage the FLSA Overtime Rule change in one location. Give us a call to see how we can help your team today.



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