

**Idaho Department of  
Juvenile Corrections  
Administrative  
Policy/Procedure**

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SUBJECT: FAIR LABOR STANDARDS ACT (FLSA)

CATEGORY: HUMAN RESOURCES

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**Policy**

The purpose of this policy is to indicate that the Idaho Department of Juvenile Corrections (IDJC) will comply with the provisions of the Fair Labor Standards Act (FLSA). The FLSA requires employers to classify and determine the exemption status of all positions.

It is therefore the policy of the IDJC that it shall use the judgment of the Division of Human Resources (DHR) as the authority in identifying and properly classifying each position as it pertains to the FLSA.

**Operating Procedures**

The DHR has classified employees in accordance with the provisions of FLSA as follows:

- I. Non-exempt (Covered) Employee – Any individual, including both full-time and part-time, employed by the state of Idaho is subject to the FLSA unless exempted by some other provision of the law. Non-exempt (covered) employees (FLSA 'C') will be compensated for all overtime in the form of compensatory time off from duty, subject to the restrictions of applicable federal law. Compensatory time off is provided in lieu of cash compensation at the discretion of the [appointing authority](#) after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked.
  - A. From time to time, based on budgetary conditions, the IDJC Leadership Team may allow non-exempt (covered) employees to elect to receive overtime in the form of compensation. The decision to allow non-exempt (covered) employees to elect to receive overtime in compensation will be communicated by the IDJC Director via department wide e-mail communication.

During such times, to elect compensation for overtime worked, non-exempt (covered) employees are required to submit Compensatory Time Agreement (DJC-078) form, to Human Resources. Human Resources will process the election effective with the first pay period following receipt of the form.

- B. If the IDJC Leadership Team determines there are budgetary constraints and deems it necessary to suspend the payment of worked overtime (revert to accrued compensatory time), employees affected will be given at least one week's notice of such a decision. In addition, the decision to suspend the payment of worked overtime (revert to accrued compensatory time) will be communicated by the IDJC Director via department wide e-mail communication.

Non-exempt (covered) employees currently receiving overtime in the form of compensation will be required to sign a Compensatory Time Notice (DJC-075) form to acknowledge notification of the change to compensatory time for worked overtime.

- C. If the IDJC Leadership Team restores payment of worked overtime for non-exempt (covered) employees, those non-exempt (covered) employees wishing to receive overtime in the form of compensation will be required to submit a new IDJC Compensatory Time Agreement (DJC-078) form to Human Resources.
  - D. Newly hired non-exempt (covered) employees will sign the Compensatory Time Notice or Compensatory Time Agreement dependent on the method of overtime payment in effect at the time the new employee is hired.
- II. Exempt (Non-Covered) Employee – There are several categories under which an employee may be considered Exempt (non-covered). IDJC job classifications fall under FLSA codes: Executive (E), Administrative (A), Professional (P), and Computer Worker (I). Section 213(a)(1) of the FLSA exempts 'bona fide' executive, administrative, professional, and computer worker employees of any employer from minimum wage and overtime provisions of the law. The criteria used to identify these categories are as follows:
- A. Executive Employee – In order for an employee to be exempt as a bona fide executive, all the following tests must be met: the Executive exemption is for positions whose primary duty is management of a department in addition to exercising independent judgment and discretion more than 50% of the time. Under the Executive exemption, positions will directly supervise two or more full-time employees and have the ability to make employment and disciplinary decisions. In Idaho state government, this position is salary-based and is ineligible for compensatory time or cash compensation for overtime worked.
- Employees who become Executive (FLSA 'E') within their current agency shall have 12 months from the date of the appointment to use any existing compensatory time balance per Idaho Code 67-5328 (b). After 12 months, any remaining compensatory time will be forfeited.
- B. Administrative Employee – The Administrative exemption (FLSA 'A') is for non-manual or office work directly related to management policies or general business administration. Positions customarily and regularly exercise independent judgment and discretion more than 50% of the time. Work is performed under general supervision and may require special training, experience, or knowledge. In Idaho state government, compensatory time for administrative employees shall be earned on a one hour for one hour basis.
  - C. Professional Employee – The Professional exemption (FLSA 'P') is for work that requires an advanced degree and is original and creative in nature. Independent judgment and discretion will be exercised in these positions more than 50% of the time. In Idaho state government, compensatory time for professional employees shall be earned on a one hour for one hour basis.

- D. Computer Worker – The Computer Worker exemption (FLSA 'I') is for positions in which the primary duties consist of: the application of system analysis techniques and procedures to determine hardware, software, or system functional specifications; the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs based on and related to user or system design specifications; the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or any combination of the above duties, the performance of which requires the same level of skills. In Idaho state government, compensatory time for computer workers shall be earned on a one hour for one hour basis.

*Reference:* [Glossary of Terms and Acronyms](#)  
*U.S. Fair Labor Standards Act*  
*Section 67-5328, Idaho Code*

*Desk Manual(s):* *None*

*Related Policies:* [Compensation \(346\)](#)  
[Hours of Work and Rest Periods \(349\)](#)  
[Time Records and Reporting \(350\)](#)

*Related Forms:* [Compensatory Time Notice \(DJC-075\)](#)  
[Compensatory Time Agreement \(DJC-078\)](#)