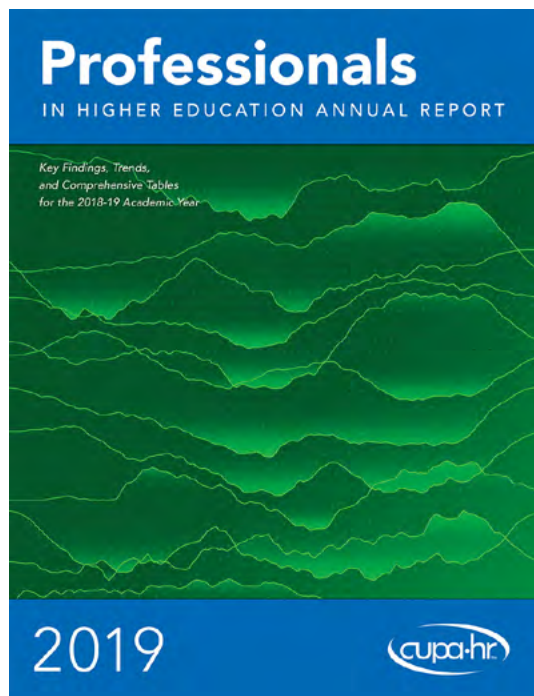
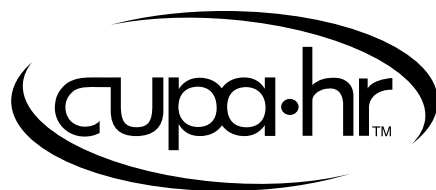


FLSA Overtime Changes Higher Ed Positions Most Likely to Be Impacted

Excerpt From the
**2019 Professionals in Higher Education
Annual Report**





College and University Professional Association for Human Resources

About CUPA-HR

CUPA-HR is higher ed HR. We serve higher education by providing the knowledge, resources, advocacy and connections to achieve organizational and workforce excellence. Headquartered in Knoxville, Tennessee, and serving more than 31,000 HR professionals and other campus leaders at more than 2,000 institutions, the association offers learning and professional development programs, higher education workforce data, extensive online resources, and just-in-time regulatory and legislative information.

Authors

Jacqueline Bichsel, Ph.D., Director of Research
Adam Pritchard, Ph.D., Senior Survey Researcher
Jasper McChesney, M.S., Data Visualization Researcher

CITATION FOR THIS REPORT:

Bichsel, Jacqueline; Pritchard, Adam; & McChesney, Jasper (May 2019). *Professionals in Higher Education Annual Report: Key Findings, Trends, and Comprehensive Tables for the 2018-19 Academic Year* (Research Report). CUPA-HR. Available from <https://www.cupahr.org/surveys/results/>.

CUPA-HR Data Use Agreement

- All survey results are copyrighted by the College and University Professional Association for Human Resources (CUPA-HR). No data contained in a survey report or obtained through DataOnDemand (DOD) may be reproduced in any form for any purpose without the written consent of CUPA-HR. Report findings and conclusions may be appropriately cited/referenced in other reporting if there is proper acknowledgment of the source and the referenced material does not involve reproduction of data tables or graphics.
- DOD can be purchased only by higher education institutions. Due to the sensitive and confidential nature of the data we collect, we reserve the right to confirm an individual's authorization to purchase DOD with his or her HR department, and to confirm with HR that each user listed on the order is authorized to view employee data. Individuals outside of the HR department seeking access will need written approval from the head of HR — these include faculty, unions, other administrators, etc. CUPA-HR accepts no responsibility for any employee who misrepresents his or her authorization.
- Annual survey reports contain comprehensive tables of aggregated data and may be purchased by anyone. However, all points of this agreement apply to the use of this tabular data.
- Survey results may not be changed or modified. Results may not be misrepresented as to their source or intent.
- Survey results may not be used to solicit or conduct business. The sole exception is the use of consultants who are currently engaged in a project with a higher ed institution that has granted access to that institution's purchase of DOD. Consultants may use the obtained data in their business dealings with the purchasing institution only. Consultants cannot order DOD directly. They should ask the appropriate representative of the institution for which they are working to contact us — via research@cupahr.org — to request consultant access to DOD. The institution representative should furnish: (a) the consultant's name, company, address, e-mail, and phone number; (b) a statement that indicates the consultant has been hired to perform work requiring the use of CUPA-HR data; (c) authorization for the consultant to see the institution's data; and (d) the names of the surveys to which the consultant should be granted access.
- Survey results may not be uploaded to a separate system or placed on the web without the explicit permission of CUPA-HR.
- Access to survey reports and DOD is limited to the users purchasing the report or subscription. Sharing report information, log-in credentials, output from DOD analyses, or DOD access with other institutions or organizations will result in immediate cancellation of access and will preclude future access. The system tracks and monitors purchases, use, and users.
- An institution is defined as an entity which has as its sole purpose the provision of postsecondary education and reports to the [Integrated Postsecondary Education Data System](#) (IPEDS) hosted by the National Center for Education Statistics (NCES). Results must be purchased for each institution in which CUPA-HR data is used and may only be used for the institution for which the subscription was purchased. Results may not be shared with — or used for — institutions within a multi-institution system for which a DOD subscription or annual report has not been purchased. System offices, defined as any entity that oversees two or more institutions, may share or use data only with institutions in their system for which the data has been purchased.

Exempt Status

Over the past four years, the U.S. Department of Labor (DOL) has proposed several changes to the Fair Labor Standards Act (FLSA) that would impact higher education.²¹ On March 22, 2019, the DOL proposed changes to the rules governing exempt “white collar” employees, raising the salary threshold from \$23,660 to \$35,308. CUPA-HR has been involved in this process from the beginning, advocating for higher education as proposed changes and regulatory opinions have been issued and opened for public comment. As the revision process for FLSA rules proceeds, CUPA-HR continues to collect information on exempt status for all positions in the *Professionals in Higher Education Survey* to provide higher education leaders with relevant data on how these changes might affect their institutions.

EXEMPTION THRESHOLD

Figure 13 shows the percentage of professionals currently above and below the proposed salary threshold of \$35,308 for “white collar” employees. Around 83% of professionals are classified as exempt, a slight decrease from 85% last year.

Of all higher education exempt professionals, 96% currently are paid at or above the proposed exemption threshold. This means that only 4% of exempt professionals would need to be re-evaluated for possible exempt-status changes or salary increases if the proposed rule were to take effect. This is far fewer than the 21% reported last year who were under the previously proposed salary threshold of \$47,476.²²

2019 PROFESSIONALS IN HIGHER EDUCATION

Incumbents Above and Below Proposed Salary Threshold by Exempt Status

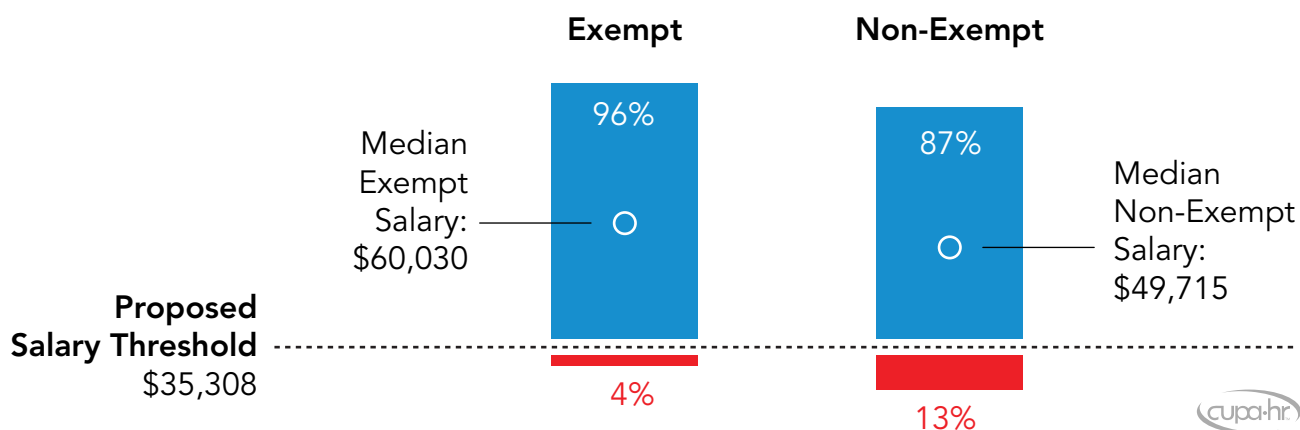


Figure 13



21 For more information on the history and details of these changes, the most up-to-date news on these regulations, and information on other recent DOL opinion letters and proposed rules, consult CUPA-HR’s [Legislative and Regulatory News](#).

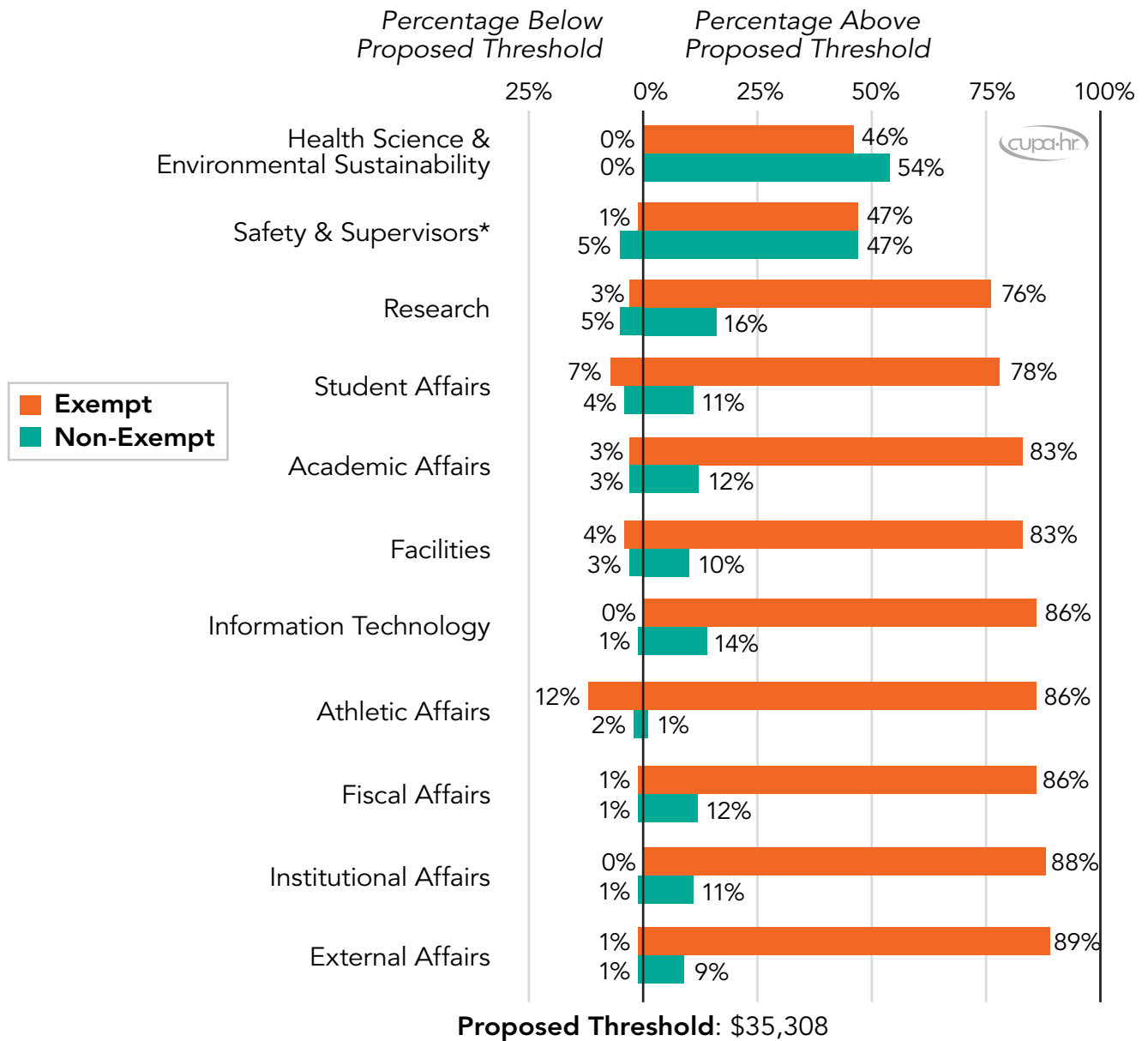
22 Bichsel, J., Li, J., Pritchard, A., & McChesney, J. (2018). *Professionals in Higher Education Annual Report: Key Findings, Trends, and Comprehensive Tables for the 2017-18 Academic Year* (Research Report). CUPA-HR.

PROFESSIONAL AREAS MOST IMPACTED

Certain professional areas in higher education are more likely to be impacted by changing the salary threshold in the overtime rule. Figure 14 shows the percentage of each professional area potentially impacted by the proposed \$35,308 threshold. Areas with a relatively high percentage of exempt employees below the threshold include athletic affairs (12%) and student affairs (7%).²³

2019 PROFESSIONALS IN HIGHER EDUCATION

Incumbents Above and Below Proposed Salary Threshold by Professional Area



* Safety professionals and supervisors of office/clerical, skilled craft, service/maintenance personnel

Figure 14

²³ To view percentages and salary differences between exempt and non-exempt employees for any professional position, subscribe to [DataOnDemand](#).

PROFESSIONAL POSITIONS MOST IMPACTED

Figure 15 displays the professional positions with the highest number of incumbents currently being paid below the proposed salary threshold of \$35,308. Topping this list are student admissions counselors and student residence hall managers (room and board included).²⁴ For some of these positions, exempt employees paid below the proposed threshold make up a large percentage of employees in the position. More than one-third of student residence hall managers (room and board included), child care center teachers, and assistant baseball coaches are exempt professionals currently paid below the proposed threshold. If the proposed changes to the overtime rule take effect, these positions may warrant additional scrutiny for possible changes to exempt status or salary.²⁵

2019 PROFESSIONALS IN HIGHER EDUCATION

Positions With the Greatest Number of Exempt Employees Paid Below the Proposed Salary Threshold

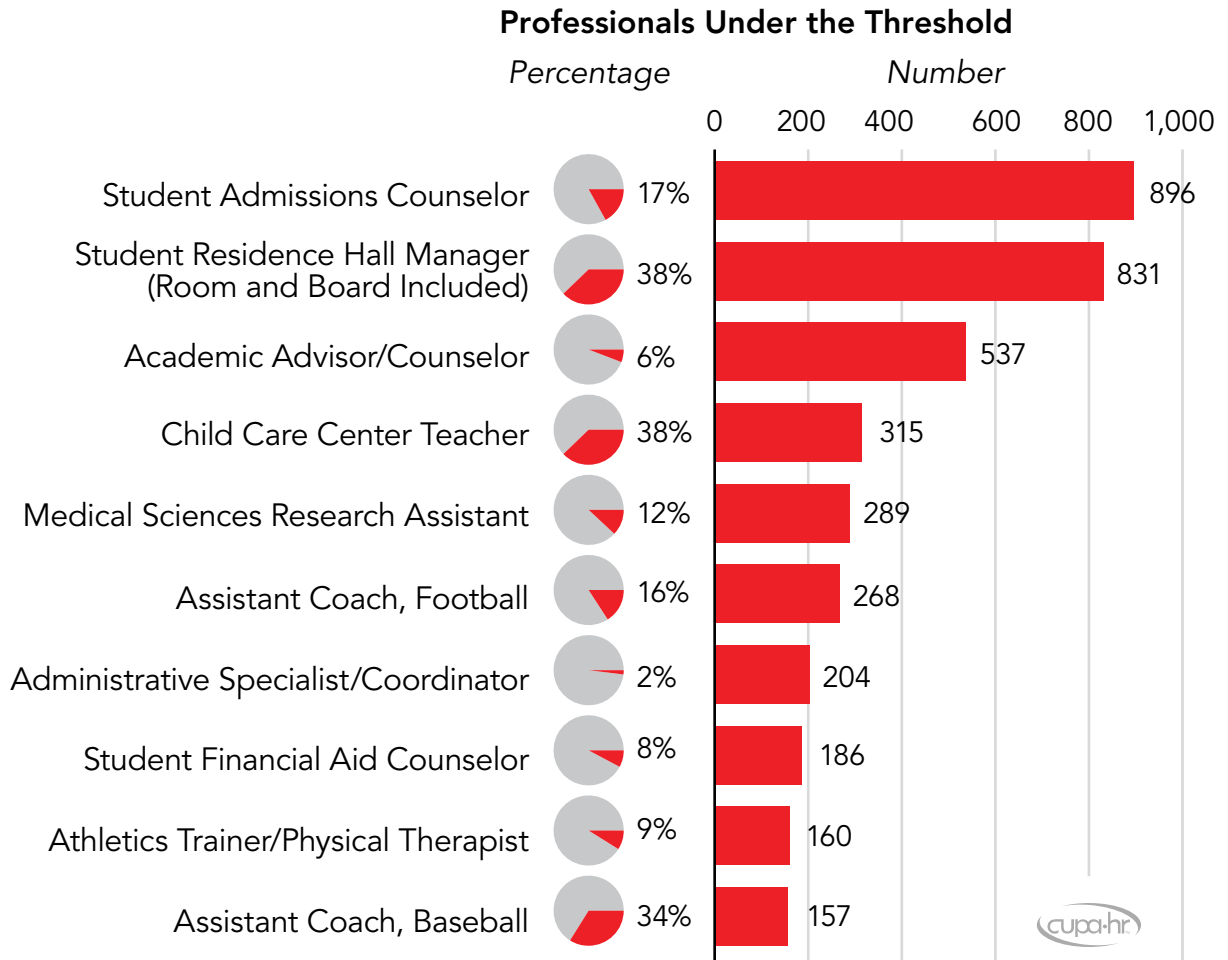


Figure 15

²⁴ CUPA-HR’s *Professionals in Higher Education Survey* also collects data on student residence hall manager positions that do not include room and board.

²⁵ To analyze how your peer institutions are handling changes to exempt status or salary for any professional position, subscribe to [DataOnDemand](#).