

## Important Points regarding Flat Rate Assignment Agreements:

**Flat Rate Assignment Agreements:** All employees should be hourly temps unless there has been a discussion with someone in the Office of Human Resources. Only FLSA Exempt Level professional employees should actually be on Flat Rate Assignment Agreements.

**Question:** Where can I find information on [Fair Labor Standards Act \(FLSA\)](#) exemption for executive, administrative, professional and outside sales employees?

**Answer:** Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

The Begin and End Date on Flat Rate Agreements will not determine the number of pays – **when OHR receives the agreement will**. Example, if a department prepares multiple agreements in August with End Dates of June 5<sup>th</sup>, and ½ get to OHR **by the Payroll Deadline** in August, the ½ that made it here in August will be paid in 10 installments. If we receive another ¼ in September **by the Payroll Deadline**, those will receive 9 installments. If the remaining ¼ of the assignment agreements are received in October **by the Payroll Deadline**, those recipients will only receive 8 installments. Flat Rate Agreements received after a monthly Payroll Deadline are processed for the following month. **(Example: Agreement Dated August 1<sup>st</sup> through December 31<sup>st</sup>, but received in OHR on August 20<sup>th</sup>, - OHR deadline is August 13<sup>th</sup> – employee would receive first pay September 30<sup>th</sup>).**

If you prepare a **Flat Rate Assignment Agreement** it will be paid out even if the employee does not complete the work, unless you inform OHR otherwise, so please let us know if the temporary fails to complete their assignment.