7.1.2 Annual Leave – Fair Labor Standards Act

Policy Statement
When an exempt employee is absent from work for less than one (1) scheduled workday and his/her accumulated leave is insufficient to cover the partial day of absence, the employer will:

I. deduct the cost for such leave in hourly increments from an exempt employee’s salary; or
II. place the exempt employee on leave without pay.

Such action by the employer will not disqualify the exempt status of the employee’s position (29 CFR 541.5d).

Reason for policy
This policy ensures compliance with the Fair Labor Standards Act. This policy provides that the University System of Georgia as a public entity is allowed to have a leave program available to employees and from which an exempt employee will draw leave in the event of an absence from the workplace. Such a leave bank program is allowable under the law for public employers recognizing their need to be responsible to the public. The policy also ensures consistency among institutions of the University System in recording leave taken when an employee has exhausted leave from his/her paid leave bank without jeopardizing the exempt status of the employee under the law.

Forms/Instructions
Leave without pay form:  http://www.busfin.uga.edu/forms/lwop.pdf

Responsibilities
Responsible University Senior Administrator:  Vice President for Finance & Administration
Responsible University Administrator:  Associate Vice President for Human Resources
Policy Owner:  hrweb@uga.edu
Policy Contact: Kim Eberhart
Phone Number: 706-542-6077

Policy Dates
Effective Date:  
Date Last Updated: 10/28/2015
Date of Last Review:  
Date of Approval:  
Previous Version of Policy: