

Board Policies

PERSONNEL

306.00 EXEMPT PERSONNEL

In accordance with the Fair Labor Standards Act (FLSA), exempt employees who are required to be paid on a salary basis may not have their pay reduced in certain circumstances. Employees who feel their pay has been improperly reduced should report this immediately to the Human Resources/Payroll office.

Provisions Mandated by the Salary Basis Rules

- Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all for the organization.
- Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by Cowley College, regardless of the circumstances. Managers or supervisors violating this policy will be subject to discipline up to and including termination.
 - Jury duty.
 - Attendance as a witness.
 - Temporary military leave.
 - Absences caused by the employer.
 - Absences caused by the operating requirements of the College.
 - Partial day amounts other than those specifically discussed below.
- The few exceptions to the requirement to pay exempt employees on a salary basis are listed below. In these cases deductions may be permissible as long as they are consistent with other College policies and practices.
 - Absences for personal reasons other than sickness or disability, including vacation leave (partial days must be paid).
 - Absences of one or more full days due to sickness or disability.
 - Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due the employee for the week. No deductions can be made for failure to work for these reasons, however.
 - Penalties imposed in good faith for infractions of safety rules of major significance or serious workplace misconduct. Examples of workplace conduct that would be appropriate for reducing the wages of an exempt worker include: sexual harassment, violence, drug or alcohol citations, violations of state or federal laws. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees.
 - Unpaid disciplinary suspensions of one or more full days in accordance with Cowley College's employee discipline procedures.
 - Deductions for the first and last week of employment, when only part of the week is worked by the employee, as long as this practice is consistently applied to all exempt employees in the same circumstances.
 - Deductions for unpaid leave taken in accordance with a legitimate absence under the Family and Medical Leave Act (FMLA).