

RESEARCH STRUCTURE FY21

Current Title	Job Code	FLSA Status	Qualifications	Range	Grade
Research Tech II	005227	Non-exempt	High school diploma (Bachelor's preferred), lab experience desirable	\$15.15-\$20.80 (\$31,512-\$43,264)	K58
Research Tech I	005243	Non-exempt	Bachelor's degree, lab experience desirable	\$15.15-\$23.00 (\$31,512-\$47,840)	K59
Research Assistant III	003379	Non-exempt	Bachelor's degree, 2+ years' experience or Master's degree, no required experience	\$16.68-\$25.84 (\$34,694-\$53,747)	K60
Research Assistant II	003276	Exempt (review on case-by-case basis) Must complete exemption checklist	Bachelor's degree, 2+ years' experience or Master's degree, no required experience	\$17.10-\$25.84 (\$35,568-\$53,747)	K60
Research Assistant I*	003263	Exempt	Master's degree, 4+ years' experience	\$19.46-\$30.17 (\$40,477-\$62,754)	K61
Research Associate	003212	Exempt	PhD/MD degree, 5+ years' experience	\$21.38-\$34.22 (\$44,470-\$71,178)	K62
Lab Coordinator	005166	Non-exempt	Bachelor's degree, Master's preferred, 2+ years' experience	\$20.37-\$31.57 (\$42,370-\$65,666)	J62
Lab Specialist	005167	Exempt(review on case-by-case basis) - Must complete exemption checklist	Bachelor's degree, Master's preferred, 4+ years' experience, supervisory experience preferred	\$20.37-\$31.57 (\$42,370-\$65,666)	J62
Lab Manager*	002589	Exempt	Master's degree, 6+ years' experience, supervisory experience	\$22.40-\$34.72 (\$46,592-\$72,218)	J63
Sr. Research Investigator	003985	Exempt	MD/PhD degree, 5+ years managing labs	Around \$80k	N/A

Salary ranges based on 40 hour/week and scale for FY21.

Effective January 1, 2020, the US Department of Labor (DOL) has increased the minimum annual salary threshold to \$35,568 for employees to be exempt as executives, administrative, or professional employees. Moving forward, all exempt level positions will need to meet this new salary criteria. October 2021, the minimum threshold for exemption status will increase to \$40,560.

*Internal promotions may be considered on a case-by-case basis.

GUIDELINES OF FLSA STATUSES & FEDERAL OVERTIME REQUIREMENTS

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Fair Labor Standard Act (FLSA):

- FLSA is the federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers. The Wage and Hour Division of the US Department of Labor administers and enforces the FLSA.
- FLSA requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and a half for all hours worked over 40 hours in a workweek. However, FLSA provides an exemption from both for employees that meet the exemption tests. For research/laboratory positions, refer to Administrative and Learned Professionals Exemptions.

Overtime:

- Work time of more than 40 hours in a given 7 day workweek, which requires pay at a rate of one and a half times their regular hourly rate. Overtime is calculated by the workweek, not the pay period.

Exempt Employees:

- All employees classified as exempt employees under the FLSA will be compensated on a salary basis and in accordance with federal or state wage and hour law.
- Exempt employees base salary has been predetermined to compensate for all hours worked.
- In accordance with FLSA regulations, salaried employees are exempt from receiving overtime compensation.
- Exempt employees do not swipe in and out at time clocks. They will be paid according to schedules entered into Jefferson Time and Attendance.

Non-exempt Employees:

- All non-exempt (hourly) employees must be paid overtime at the rate of 1½ times their regular hourly rate of pay.
- Overtime must be paid to all hourly (non-exempt) employees who have worked in excess of 40 hours in a 7 day workweek. Our workweek is Saturday through Friday.
- An employee's manager must approve all overtime. If an employee works overtime and it has not been pre-approved, the employee will be paid, however, corrective intervention may occur.
- All non-exempt employees are expected to swipe at a time clock unless Senior Management (in consultation with HR) has approved another form of time reporting.

Meal Break:

- Defined as a minimum of 30 minutes of uninterrupted non-productive time. In the event that the meal break is interrupted for work, the employee must be paid for the entire meal break.

TJU Workweek:

- Saturday 12:00am to Friday 11:59pm.

FAQs - SCHEDULING LAB PERSONNEL

My researchers often work flexible work weeks. For example, they may work 45 hours in one week, and 35 hours the next, but the total time over two weeks does not exceed 80 hours. Can we offer employees this flexibility to vary their weekly hours without incurring overtime pay?

All non-exempt employees can be scheduled for flexible work weeks, but we must pay them overtime for any hours they worked over 40 hours in a given week. The flexible workweek needs to occur between Saturday through Friday of that week to avoid the overtime pay requirement.

I am concerned my non-exempt employees will work additional hours to receive overtime pay. What should I do to prevent this?

Non-exempt employees must be paid for all hours worked, regardless if they have been authorized or not. It is important for supervisors to be clear with their non-exempt employees that overtime hours must be approved prior to working those hours. If the employee works those hours without authorization, you must pay them, but please contact your HR Business Partner to discuss how to address this behavior. Please note that employees cannot “volunteer” to work without pay.

Can I offer my non-exempt employee Comp Time instead of Overtime pay?

No, employers must pay non-exempt employees for every hour worked, and pay overtime at one and a half times their hourly rate for any hours worked over 40 hours in a given workweek. Employers can, however, have the employee work a flexible workweek to manage the employee working only 40 hours. An employee, for example, may work 40 hours Monday through Thursday, so the employer can request that the employee not come into work the remainder of that workweek.

My research requires lab personnel to work outside of the standard scheduled hours. E.g. on occasion will require evening work. When this occurs, I would prefer for the researcher to come to the lab later in the morning to avoid overtime expense. Am I permitted to modify schedules in that manner?

Yes, schedules in MyTime do not restrict you for flexing the hours you need to have your lab personnel work. As long as flexing the start and end times still falls within a 40 hour workweek, your employee will not be subject to overtime, regardless of the time of day s/he worked.

I do not have the funding for overtime. How do I handle when I need to have someone working overtime?

By law, we are required to pay any time over 40 hours so must account for funding in order to allow your lab personnel to work overtime. The grants legally allow for overtime expenses so the PIs/faculty have the responsibility to manage the grant budget, including overtime expenses.

LAB PERSONNEL POSITION EXEMPTION TEST

Employee's Information:

Name _____ Job Title _____

Employee ID _____ Department _____

Start Date _____

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Instructions for Faculty/Supervisor and/or Department Administrator:

- Review Job Description and C.V., with particular attention to education, years of related experience, and the primary duty of the position.
- Review Learned Professional and Administrative Exemption Overviews (pgs. 2&3). If any questions, please contact your HR Business Partner.
- Please note that this document may be subject to both internal and external audits so it's imperative that it be completed fully, accurately and truthfully.
- Keep in mind that this review should be based on the employee's ability to think critically about the experiments that are being performed rather than the skill or ability to follow direction of the faculty/supervisor or others. (e.g. is the employee planning his/her own experiment or following instructions passed down from others? e.g. is the employee analyzing and interpreting results on his/her own or collecting data for others to analyze?)
- Based on exemptions review, complete questionnaire related to the exemption that you believe fits with the current position.

Please note that per our titling and research structure model, certain positions (e.g. Research Technician), will always be classified as non-exempt, as these are our most entry level research positions. Positions with greater levels of responsibility can be considered for review (e.g. Research Assistants may be reclassified from non-exempt to exempt). Alternatively, some positions may not be appropriately classified in the correct title based on the responsibilities and our research model so, in some instances, our recommendations may be to promote/reclassify an employee to an elevated title with the exempt status.

I have carefully reviewed the responses to the questions in this document and attest that they are true and correct:

Faculty/Supervisor Signature _____ Date _____

Administrator Signature _____ Date _____

If for a current employee review, employee attests that (s)he understands that if approved to be changed to Exempt, (s)he will be paid on a salary basis and will no longer be eligible for overtime:

Employee Signature _____ Date _____

Administrator to forward completed forms, with a copy of the employee's job description and CV, to HRBP, who will coordinate final approval with Compensation in consultation with department.

Compensation Signature _____ Date _____

LEARNED PROFESSIONAL EXEMPTION

1. Primary duty – performs work requiring advanced knowledge (rule of thumb – primary duty should take about 50% of employee’s time; this is the main or most important duty that the employee performs).
 - a. Predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgement.
 - Professional work is therefore distinguished from work involving routine mental, manual, mechanical or physical work.
 - A professional employee generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances.
 - Advanced knowledge cannot be attained at the high school level.
2. Advanced knowledge must be in field of science or learning.
3. Knowledge customarily acquired by a prolonged course of specialized intellectual instruction. Specialized academic training is a prerequisite for entering the profession with the best evidence that an employee meets this requirement is possession of the appropriate academic degree. (Exemption does not apply to employees who have acquired their skill by experience rather than by advanced specialized intellectual instruction).

This exemption is not available for occupations that may be performed with:

- Only the general knowledge acquired by an academic degree in a field.
- Knowledge acquired through apprenticeship, or training in the performance or routine mental, manual, mechanical, or physical processes.

e.g. **Research Assistant II:** Master’s Required, at least 3 years of lab experience required; collects and assembles data for oral and written presentations, develops scientific hypotheses, designs and carries out experiments to test hypotheses, analyzes results independently, prepares reports for PI.

If you believe that the position falls under the learned professional exemption, please complete the following questions:

- Does the employee receive a gross pay amount of at least \$679 per week?
Y N

If selected no, then the position is non-exempt.

- What is the employee’s highest level of education and what is the degree major?

- Does the degree directly relate to the research work the employee is doing?
Y N
- Does the employee independently plan, design and carry out experiments?
Y N
- Does the employee train lab personnel?
Y N

- Does the employee track, analyze and interpret results independently?
Y N
- Does the employee represent the department/faculty for presentations/publications of the research results?
Y N
- Does the employee have the authority to change course/procedures of a lab experiment?
Y N
- Does the employee provide recommendations or expert advice to management?
Y N
- Please describe how the work will require the consistent exercise of discretion and independent judgement?

If you answered yes to all, further review is required by Human Resources to confirm exemption.

ADMINISTRATIVE EXEMPTION

1. Primary duty must include exercise of discretion and independent judgement with respect to matters of significance, for example:
 - a) Authority to formulate, affect, interpret, or implement policies, procedures, or operating practices of the laboratory.
 - b) Carries out major experiments in conducting the operations of the laboratory.
 - c) Performs work that affects business operations of the laboratory to a substantial degree.
 - d) Authority to commit the laboratory in matters that have significant financial impact.
 - e) Authority to waive or deviate from established laboratory policies and procedures without prior approval, and other factors set forth in the regulation.
 - f) Authority to negotiate and bind the laboratory on significant issues.
 - g) Provides consultation or expert advice to PI or others.
 - h) Involved in planning long and short-term objectives of the laboratory.
 - i) Investigates and resolved matters of significance on behalf of the PI/faculty.

The use of skill, as opposed to independent judgment does not qualify. So the fact that an employee can function independently because they are highly skilled is alone insufficient.

Discretion and independent judgement DOES NOT include:

- Applying well-established techniques, procedures, or specific standards described in manuals or other sources.
- Clerical and administrative work
- Recording data
- Performing mechanical, repetitive, recurrent or routine work
- Using manuals to apply well-established techniques or procedures within closely prescribed limits

e.g. **Lab Manager:** Master's/PhD/MD required, at least 6 years of lab experience and supervisory experience required; develops, implements and manages lab policies and procedures, leads a team of other employees assigned to complete major projects (supervises, trains, makes hiring/disciplinary decisions, evaluate performance), generate high quality data and analysis worthy of publication, prepares budgets and monitors expense allocations, manages

If you believe that the position falls under the administrative exemption, please complete the following questions:

- Does the employee receive a gross pay amount of at least \$679 per week?
Y N

If selected no, then the position is non-exempt.

- Does the employee have the authority to formulate, interpret, or implement management policies or procedures?
Y N
- Does the employee supervise staff or students? (If yes, please list name, and title of each)
Y N

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- Does the employee have the ability to provide performance feedback of lab personnel?
Y N
 - Does the employee provide training for lab personnel?
Y N
 - Does the employee direct the work of the lab personnel?
Y N
 - Does the employee have the authority to independently design and implement an experiment?
Y N
 - Does the employee have the authority to change course or procedures of lab operations or experiments?
Y N
 - Does the employee provide advice to the PI/faculty that is given significant weight?
Y N
 - Does the employee have the authority to represent the department/faculty for presentations/publications on the area of research?
Y N
 - Is the employee involved in short or long term planning objectives for the lab?
Y N
 - Does the employee manage budget (not monitor only) for the lab?
Y N
 - Does the employee have the ability to analyze and interpret results of the experiment?
Y N
 - Please describe how the work will require the consistent exercise of discretion and independent judgement?

Once completed, submit to your HR Business Partner for further review. To find your HRBP:
<http://hr.jefferson.edu/human-resources/current-employees/hr-business-partners.html>