

# Legal Framework for Employment within the University of North Carolina Campuses

## U.S. Fair Labor Standards Act (FLSA) – U.S. Department of Labor

Governs employment in the United States

- There are two broad categories of employees identified in the FLSA – “Non-Exempt” and “Exempt”.
- Categories are based on job DUTIES – not titles
- Neither employees nor managers/administrators get to select which category the position falls into. The assessment is made based on the duties of the position.
- The definitions of “Non-Exempt” and “Exempt” are established nationally – not by the UNC system or State of NC.

### FLSA Non-Exempt

- Time and a half compensation for over 40 hours
- Timesheets/records required of hours worked
- Rights cannot be waived by employee

### FLSA Exempt

- No time and a half compensation
- Timesheets/records NOT required
- Paid leave records ARE required (vacation/sick/etc.)

## N.C. State Human Resources Act – N.C. Office of State Human Resources

Governs state and some local government employment in North Carolina

There are also two broad categories of employees identified in the Human Resources Act – Subject (SHRA) and Exempt (EHRA). There is some overlap between the FLSA and the Human Resources Act categories as noted below:

### SUBJECT to the Human Resources Act (SHRA)

State Human Resources Commission in Raleigh makes the rules. All positions are “classified” within the Banding System.

#### FLSA Non-Exempt/SHRA Examples:

- Office support positions
- Police officers
- Landscapers
- Housekeepers
- Accounting professionals
- Computer programmers
- Research technicians

#### FSLA Exempt/SHRA

##### Examples:

- Business officers
- Senior police
- IT managers
- HR managers
- Auditors
- Other managers or senior level positions

### EXEMPT from Human Resources Act (EHRA)

UNC Board of Governors (Chapel Hill) makes the rules.

#### FLSA Exempt/EHRA Examples:

- 9 month teaching faculty
- EHRA Instructional (librarians, etc.)
- EHRA Researchers (higher level research positions)
- Senior academic and administrative officers (SAAO) – Chancellor, Vice Chancellors, Deans, and others as determined by the authority of the UNC President.