



## Fair Labor Standards Act Guidance for Multiple Appointments

Proper classification of employees under the Fair Labor Standards Act (FLSA) is a critical responsibility that directly impacts wage compliance, overtime eligibility, and institutional risk. For HR professionals, making accurate FLSA determinations requires careful evaluation of an employee's full scope of work. This is especially important when an individual holds multiple job appointments with the same employer, as combined duties, compensation structures, and exemption criteria must be assessed holistically rather than in isolation. Clear, consistent application of FLSA standards not only ensures compliance with federal law but also promotes equity, transparency, and trust across the workforce.

### **FLSA DESIGNATIONS**

At CU Anschutz, the responsibility for FLSA designations is determined based on the employment type:

- University Staff and Classified Staff – Central HR Classification Team
- Faculty (all types), Student Workers, Student Faculty, Student Stipends – School, College, or Unit HR Business Partners (HRBPs)

To determine the appropriate FLSA designation, HR must apply a three-part analysis that includes evaluating the employee's duties against the applicable duties test, confirming whether the salary basis and salary threshold requirements are met under the salary test (if applicable), and assessing the employee's primary duties across all roles to determine the overall exemption status.

Positions subject to both the duties test and salary test include:

- Post Docs
- Professional Research Assistant (PRA), Senior PRA, Research Associate, Senior Research Associate
- University Staff
- Classified Staff
- Return-to-Work Retirees (University Staff and Faculty roles based on the nature of the work)
- Pharmacy Residents (1469 - Instructor Fellow job code)
- Visiting Researchers (1313 and 1308 job codes)

The CU Anschutz salary threshold for FLSA exempt status is higher than the federal threshold levels of \$35,568 annually (\$684 per week). The salary test for CU Anschutz is \$43,888 annually (\$844 per week). Reminder: The salary for appointments that are less than full-time should not be annualized when determining if the position meets the salary test. However, if the individual holds multiple job appointments, the collective salary across all roles is assessed.

- Under the FLSA, certain roles are not subject to the salary test and are exempt from federal overtime. These roles include:

- Faculty practicing medicine or their primary duty is teaching
- Student Stipends/Predoc Trainees
- Faculty Retirees who practice medicine or teach
- Medical Residents
- Research Faculty
- Teaching Assistants (1506)
- Research Assistant (1505)
- Graduate Assistant (1502)

However, if an individual holds one of the roles above in addition to other appointments, the totality of all their appointments should be assessed to determine their overall FLSA designation with CU Anschutz.

### **MANAGING MULTIPLE APPOINTMENTS FOR THE SAME EMPLOYER**

When an employee holds two or more positions with the same employer, FLSA designation must be based on the employee's combined appointments rather than each position individually. The primary appointment is defined as the position with the greatest percentage of effort, or if percentages are equal, the position held the longest.

If the primary appointment is designated as exempt, all positions will be treated as exempt. Conversely, if the primary appointment is non-exempt, all positions will be designated as non-exempt. In all cases, HR must evaluate the employees' combined duties across all appointments to determine whether the overall role meets the exemption criteria. If the combined duties do not satisfy the applicable exemption tests, the employee is considered non-exempt and is eligible for FLSA overtime pay for all hours worked exceeding 40 per week.

An employee may not be considered exempt in one job and non-exempt in another within the same employer. This includes appointments in different schools, departments, or campuses; the classification is based on the overall duties performed.

Key FLSA Considerations for Multiple Appointments:

- Documentation is crucial. HR professionals should clearly document the rationale behind classifying an employee as exempt or non-exempt when they hold multiple roles, including a detailed breakdown of their primary duties.
- FLSA designation should be evaluated prior to finalizing an offer when a candidate already holds another position at CU Anschutz or any CU institution. If the combined assessment of all roles results in a non-exempt designation and it is not the intent of the department for the position to be non-exempt, this may impact on the suitability of the candidate for the role and should be carefully considered before proceeding.

### **FLSA ANALYSIS FOR MULTIPLE APPOINTMENTS to PREPARE for TIME & LABOR**

In September 2026 as part of the Time & Labor project, all non-exempt employees currently paid monthly will shift to bi-weekly pay. Existing exempt employees will remain on monthly pay. All new hires, both exempt and non-exempt, hired after 09/26/26 will be paid bi-weekly.

It is critical that each employee has only one FLSA status now to ensure that once we transition to bi-weekly pay, employees do not have conflicting payroll cycles.

### **Resources for FLSA Analysis for Multiple Appointments:**

When processing a new hire or change in current appointment, the following has been added to offer letter templates:

*If you take on an additional appointment, you must notify your supervisor since this may impact your FLSA status. Multi-job appointments are re-evaluated to ensure that employees only have one FLSA status.*

Hiring departments should always determine if an employee has multiple appointments.

You may use the job list feature in HCM (**CUES\_HCM\_JOB\_LIST**). Job list displays employee data including Job Code, Pay Group, Employee Type, and Comp Frequency.

Soon, when entering a new appointment via a Template Based Transaction (TBT) in HCM, the system will not allow you to move forward with the hire or status change unless all FLSA statuses are the same. TBT will display all other appointments to help with analysis.

When multiple appointments are present, the position with the highest percentage of time is the primary appointment. If all appointments have the same percentage of time, the primary appointment is the position that was hired first.

If an employee has appointments in multiple departments/schools, it is important to collaborate with the other HRBPs to adjust FLSA statuses based on the primary duty analysis. A list of HRBPs can be found on the central HR webpage at: <https://www.cuanschutz.edu/offices/human-resources/hr-staff-listings>. This applies to appointments across CU Campuses as well.

When changing FLSA status for current employees, an addendum letter is required. Templates can be found at: <https://www.cuanschutz.edu/offices/human-resources/hr-business-partners/offer-letter-templates>

If a promotion or offer involves a staff appointment, Central HR will review the FLSA status as part of the classification and/or offer process to ensure that the proposed FLSA status is appropriate if the individual has multiple appointments. If the promotion or offer involves a faculty or student employee appointment, this analysis is performed at the college/school/unit level.

Note: if you switch an employee from non-exempt to exempt, you will need to process all their outstanding timesheets before you convert them. If you update their status beforehand, the employee will no longer be able to submit time under their former FLSA status and the HRBP will need to process time on their behalf via a manual transaction in CU Time.

**Additional References:**

Code of Federal Regulations, Title 29, Subtitle B, Chapter V, Subchapter A, Part 541, Subpart H: Primary Duty (541.700): <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-A/part-541/subpart-H/section-541.700>

(a) To qualify for exemption under this part, an employee's "primary duty" must be the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.