

MEMORANDUM

FROM: Carl A. Dean, Associate Vice Chancellor of Human Resources

DATE: September 3, 2025

RE: FLSA Compliance – SHRA Non-Exempt Employees and Teaching Assignments

This memo is intended to clarify university policy and federal compliance concerns regarding SHRA non-exempt employees engaging in teaching assignments. The Fair Labor Standards Act (FLSA) imposes strict regulations on non-exempt employees, and the university must ensure all employment practices remain compliant.

1. FLSA Compliance Risk

SHRA non-exempt employees are subject to the FLSA, which mandates accurate tracking of all hours worked and overtime compensation for hours worked beyond 40 in a week. Teaching duties, even if outside of their primary responsibilities, may be considered compensable work when performed for the same employer.

2. No Clear Separation of Roles

There is no legal separation between primary and secondary roles when both are with the same employer. This means teaching cannot be considered an independent or external activity if assigned within the university and must be accounted for under standard work hours.

3. Institutional Risk

Permitting SHRA non-exempt employees to teach can expose the university to:

- Legal penalties for FLSA violations.
- Reputational risk and audit findings during state or federal reviews.

4. Limitations of After-Hours Assignments

Teaching scheduled during evenings or weekends still qualifies as compensable time if the assignment is for the same employer. FLSA rules apply regardless of when the work occurs.

5. Exempt vs. Non-Exempt Roles

Exempt employees, whether SHRA or EHRA, may be approved for teaching roles if the assignment is outside their primary duties and teaching assignment is conducted after hours. Non-exempt SHRA employees are not eligible under any circumstance due to overtime tracking requirements.

6. Policy Enforcement

Human Resources must deny all teaching assignment requests submitted for SHRA non-exempt employees.

For any questions, please contact Sheila Wright Zeigler, Classification and Compensation Consultant in Human Resources at swrightzeigler@uncfsu.edu or 910.672.1820