



FLSA Unpaid Leave – Exempt Employees

CITATION REFERENCE

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Policy Statement

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, record keeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and Local governments. This policy ensures the University System of Georgia’s (USG) Leave Program is in compliance and administered in accordance to the Fair Labor Standards Act (FLSA) (29 CFR 541.710). It also sets for the additional stipulations and provisions associated with public employers in regard to unpaid leave and furloughs of exempt employees which include:

- Allowing public employers to provide paid leave programs that may be used by employees to account for their absences from the workplace. Such leave programs do not jeopardize the exempt status of an employee even if leave is reported in hour increments or some variation thereof.
- Permitting pay deductions from an exempt employee for leave taken that exceeds their accumulated leave balance, without jeopardizing the employee’s exempt status.
- Permitting furlough related deductions from the pay of a public agency employee without jeopardizing the employee’s exempt status.

Applicability

All units of the USG are covered by this policy.

Who Should Read This Policy

All Human Resources staff, hiring managers, and employees within the USG should be aware of this policy.

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TIME AWAY FROM WORK: Unpaid Leave – FLSA Exempt Employees

Definitions

These definitions apply to these terms as they are used in this policy:

- **Board of Regents (BOR):** The governing body of the University System of Georgia.
- **FLSA Unpaid Leave:** Unpaid leave from work for exempt employees, less than one scheduled workday, when the employee's accumulated leave under one of the USG's paid leave programs, is insufficient to cover the leave.
- **Furlough:** A furlough is a temporary reduction in force for specified employees due to special needs of an Institution, which may be due to economic conditions at the specific Institution or in the economy as a whole. Reference HRAP on Reduction in Force.

Process and Procedures

Unpaid Leave: When an exempt employee is absent from work for less than one (1) scheduled workday and their accumulated leave is insufficient to cover the partial day of absence, the Institution will:

- deduct the cost for such leave from an exempt employee's salary; or
- place the exempt employee on leave without pay.

Such action by the Institution will not disqualify the exempt status of the employee's position (BOR 8.2.7.7 Unpaid Leave FLSA Exempt Employee).

Furloughs: (Temporary Reduction in Force) Authorized deductions from an employee's pay for absences due to a budget-required furlough will not disqualify the employee from being paid on a salary basis in the work week in which the furlough occurs and the employee's pay is accordingly reduced. Refer to the Reduction in Force (RIF) HRAP for guidance on the procedures associated with a Temporary Reduction in Force.

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Responsible Parties and Contact Information

Party	Responsibility	Phone/Email/URL
Vice Chancellor for Human Resources, USG	Maintain leave, provide guidance to institution human resources officers on effective utilization of policy, monitor for compliance, update the system as necessary, and respond to campus requests for updates.	404-962-3235 usg-hr@usg.edu
Institution Chief Human Resources Officers	Ensure appropriate utilization of the USG FLSA leave on their respective campuses, including its relation to exempt employees.	See University System HR Officer Listing

Appendices (Internal Documents, Forms and Web Links)

- HRAP on [FLSA Leave policy](#)
- [BOR 8.2.7.7 Unpaid Leave - FLSA Exempt Employees](#)
- [HRAP Workweek and Overtime](#)
- [HRAP Time and Leave Reporting](#)
- [HRAP on Reduction in Force RIF](#)

Related Documents and Resources (External)

- [Department of Labor FLSA](#)

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