



# CIVIL SERVICE COMMISSION

## HUMAN RESOURCES DEPARTMENT

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### MEMORANDUM

**TO:** Mary Ann Borgeson, Commissioner and HR Committee Chair

**FROM:** Karen A. Buche, Human Resources Director

**DATE:** April 3, 2019

**SUBJECT:** Fair Labor Standards Act Proposed Rule-Making

On March 7, 2019, the Department of Labor (DOL) announced the long-awaited proposed rule regarding the new salary threshold for employee to be eligible for exemption under the Fair Labor Standards Act (FLSA).

Previously, the DOL published in 2016 its final rule increasing the salary threshold. The County met the compliance deadline of 12/01/16, changing affected job classifications from exempt to non-exempt. The rule was quickly challenged in court where it was determined the DOL did not have authority to increase the salary threshold. The DOL announced it would be proposing a new rule alleviating the objections of the court.

The current salary threshold is \$455 per week (\$23,660 annually). The proposed threshold is \$679 per week (\$35,308 annually). Preliminarily, we identified 35 job classifications with 85 incumbents that under the proposed salary threshold may be eligible to be moved from non-exempt to exempt.

In order for a job classification to be exempt from the overtime, it must meet two tests under the FLSA. The first being the Salary Threshold Test and the second the Duties Test. There are several job classifications that may not meet the Duties Test.

Although this is a significant increase in the threshold amount, it is substantially lower than the prior administration's proposal of \$913 per week (\$47,476 annually). Since the County was compliant with the \$913 threshold, there is no cost impact to the current proposed rule.

The proposed rule is expected to become effective January 2020. Attached to this Memo is a report reflecting the jobs which may be eligible to revert to exempt FLSA status.

Please contact me if you would like to discuss further.

**2019 PROPOSED FLSA SALARIES TEST THRESHOLD IMPACT**

OCC#	Job Title	Department/Office	Grade	Min	Max	FLSA Duties Test
233	Assessments Mental Health Clinician	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
235	Utilization Review Clerk	CMHC	DC.S4H.NONUNION.S	\$ 17.57	\$ 26.49	Y
248	Intensive Case Manager	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	N
252	Case Manager	CMHC	DC.S6H.NONUNION.S	\$ 21.46	\$ 32.42	?
253	Mental Health Triage Clinician	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
293	Staff Training and EHR Coordinator	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	Y
296	Quality Improvement Specialist	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
304	Util Review Coord	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	Y
307	Outpatient Therapist	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
315	Lic Mental Health & Substance Abuse Therapist	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	N
316	Case Mgmt Specialist	CMHC	DC.S6H.NONUNION.S	\$ 21.46	\$ 32.42	N
317	Case Mgt Spec/After	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	N
318	Clinical Care Coordinator	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	N
376	Recreational Ther	CMHC	DC.S5H.NONUNION.S	\$ 19.42	\$ 29.34	?
770	Corrections Counselor	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
917	Mental Health Clinician (LADC/LMHP)	CMHC	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
969	Medical Assistant	CMHC	DC.S4H.NONUNION.S	\$ 17.57	\$ 26.49	?
204	Social Serv Tech I	Community Services	DC.EG14.EULA.S	\$ 18.35	\$ 24.92	?
208	Admin Support Specialist	Community Services	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
1067	Advocate	County Attorney	DC.NPG.LEGAL.R	NPG	NPG	?
1068	Trial Assistant	County Attorney	DC.NPG.LEGAL.R	NPG	NPG	Y
1070	Administrative Asst	County Attorney	DC.NPG.LEGAL.R	NPG	NPG	Y
1036	Court Aide/Admn Asst	District Courts	DC.NPG.LEGAL.R	NPG	NPG	?
1050	Screener	District Courts	DC.NPG.LEGAL.R	NPG	NPG	Y
412	Horticulture Program Coord	Do/Co Extension Service	DC.S5H.NONUNION.S	\$ 19.42	\$ 29.34	N
417	Ext Asst Spec Prog	Do/Co Extension Service	DC.S5H.NONUNION.S	\$ 19.42	\$ 29.34	?
435	Computer Support Associate	Do/Co Extension Service	DC.S5H.NONUNION.S	\$ 19.42	\$ 29.34	N
314	Social Services Spec	Health Center	DC.EHC1H.EULAHC.S	\$ 21.81	\$ 32.75	Y
987	Coding Specialist	Health Center	DC.EHC1H.EULAHC.S	\$ 21.81	\$ 32.75	N
400	Behavioral Health Specialist	Juvenile Assessment Center Rollup	DC.S7H.NONUNION.S	\$ 23.71	\$ 35.74	?
69	Accounting Supervisor	Treasurer	DC.S5H.IBEW.S	\$ 25.18	\$ 37.56	N
90	Office Manager	Treasurer	DC.S5H.IBEW.S	\$ 25.18	\$ 37.56	N
102	Administrative Coordinator	Treasurer	DC.S5H.IBEW.S	\$ 25.18	\$ 37.56	Y
601	Asst Branch Manager	Treasurer	DC.S5H.IBEW.S	\$ 25.18	\$ 37.56	Y
673	Customer Services Supvr	Treasurer	DC.S6H.IBEW.S	\$ 22.86	\$ 34.06	N

35 Classifications/Jobs

85 Incumbents