



STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT

"Serving Equal Opportunity Employers"

OPM 04-19

DATE: May 17, 2004

TO: All Appointing Authorities

FROM: Oscar B. Jackson, Jr., Administrator and
Cabinet Secretary of Human Resources and Administration

A handwritten signature in cursive script, appearing to read "Oscar B. Jackson, Jr.", written in black ink.

RE: Revisions to U.S. Department of Labor Rules Relating to Exemptions from Overtime Provisions of the Fair Labor Standards Act

As you are probably aware, the U. S. Department of Labor has published its long-awaited revisions to the rules exempting certain white-collar employees from the overtime requirements of the law. The new rules were published in the Federal Register on April 23, 2004, and are due to take effect in 120 days, on August 23, 2004.

Perhaps the most notable of the changes to the rules involves a change to the minimum salary threshold for exemption, which has been increased to \$455 per week (\$23,660 per year). Employees earning less than this salary level are automatically guaranteed overtime under the law. There are additional changes to the exemption tests for executive, administrative, and professional employees.

To prepare for these changes and their impact on the State, the Office of Personnel Management (OPM) is taking the following steps:

- **Revision of the OPM FLSA Policy Guidelines, which were last revised in October, 1997.** This revision will include both narrative information regarding the provisions of the rules and a listing of State classified jobs by JFD code and their FLSA exemption classification. The latter will be a preliminary, conservative assessment of the classifications, which will be subject to change as case law and DOL administrative rulings begin to shape how the new exemption tests are interpreted. This listing will be for guidance purposes only, and each agency will be responsible for final determinations based on the functions and duties performed in its unique work environment. The revised Guidelines will be available online on the OPM Website during the week of June 14, 2004. We will

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advise you by separate correspondence regarding the procedures for accessing the Guidelines.

- **Training of State HR professionals in the new exemption rules.** This training, which will take place no later than July 16, 2004, will be in the form of a half-day workshop, including lectures concerning both the rule changes and hands-on practical exercises in evaluating common State classified jobs. The date(s), location, and registration procedures for the workshop will be announced by OPM's Human Resource Development Service.

In the interim, if you desire more information on the FLSA rule revisions, I encourage you to consult the DOL website, www.dol.gov. Click on "FairPay Overtime Rules" to access online training seminars and fact sheets related to the new rules.

If you have specific questions, you may contact any member of the OPM Compensation Staff at the following phone numbers:

Tom Patt:	522-0422
Everett Slavik:	522-0123
Austin Gilley:	521-6376
James Perez:	521-6327