

ASK THE EXPERT

Leave-time dispute hinges on correct classification

When I asked to leave early, my manager told me to use vacation time. When I reminded her I was an exempt employee, she asked for a status evaluation. Now, I've been reclassified as non-exempt. Is this OK?

Workers are classified as exempt or non-exempt employees depending on salary (in excess of \$455 per week) and the type of work they do.

The advantage of "exempt" employees is companies do not have to track employee hours or pay overtime.

For exempt employees, partial docking of pay is prohibited. However, because no pay is lost, it is permissible to require them to use accrued leave time for

time missed.

Exempt status depends on job duties. It is permissible to re-evaluate and reclassify a position. There are also some exemptions from overtime requirements, including administrative, executive and professional employees, computer professionals and outside salespeople.

The employer bears the burden of establishing that an employee is properly classified. It is good for an employer to have a written analysis of job duties so that an analysis of the above factors can be shown.

If your employer cannot show that there has been any change in your duties, and you are properly classified as a non-exempt employee, you may have a claim for past overtime hours worked.

— Compiled by
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Have a question? Send it to Ask the Experts, The Arizona Republic, 200 E. Van Buren St., NM19, Phoenix, AZ 85004. E-mail to asktheexperts1@gmail.com or fax 602-444-8044.



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