



**NEW MEXICO JUDICIAL BRANCH
ADMINISTRATIVE OFFICE OF THE COURTS
ACKNOWLEDGEMENT FORM**

**FAIR LABOR STANDARDS ACT (FLSA)
& OVERTIME COMPENSATION**

7/15/2016

IMPORTANT INFORMATION ~ READ CAREFULLY

Please read the following statements and sign below to indicate your receipt and acknowledgement of the Administrative Office of the Courts communication regarding the Fair Labor Standards Act and your role and responsibility both as an employee responsible for accurately entering all actual hours worked into the SHARE time reporting system, and as a supervisor or manager responsible for ensuring your employees are paid accurately for hours worked.

The Federal Fair Labor Standards Act (FLSA) identifies compensable hours, defines overtime and overtime compensation, which apply to the NMJB and the Administrative Office of the Courts.

Overtime or any extra hours worked must be approved by your Division Director and the AOC Director prior to being worked.

Non-Exempt Employees: Non-exempt employees are covered by the minimum wage and overtime provisions of the FLSA and are **entitled** to overtime compensation at one and one-half times their regular rate of pay for hours worked beyond 40 in a work week.

Compensatory Time Off in Lieu of Cash: Compensation occurs in the form of compensatory time (comp time) unless Division Director and AOC Director approval is received for the compensatory time to be paid out.

Time Worked for Overtime Purposes includes regular hours, training and workshop hours, travel time required by management, and voting time. (Other types of leave may offset the one and one-half to straight time). See the NMJBPR Glossary of Terms for more information. **Breaks and Meal Period:** Non-exempt employees approved to work a flexible schedule are required to schedule at least a ½ hour each day for lunch.

Exempt Employees: Exempt employees are not covered by the FLSA’s regulations pertaining to overtime and **may, with prior approval** receive compensatory time at straight time for hours worked beyond 80 in a pay period. Compensation is typically compensatory time (see the NMJBPR).

Breaks: It is important to remember that breaks are not mandatory. Employees may be permitted one 15 minute mid-morning break and one 15 minute mid-afternoon break. Breaks cannot be accumulated, cannot cover for later arrival to work, extended lunch hours, or early departure from work. The time spent on authorized breaks must be counted as hours worked.

Meal Periods: Even though the FLSA does not require employers to provide meal periods, it does stipulate that if one does exist, at least 30 minutes or more constitute a bona fide meal period. Meal periods are not counted as worktime. Normally, employees remove themselves from the work location



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and are therefore not performing any duties. However, when an employee remains at the work location and while eating performs any job-related duties, other than incidental ones (such as answering a question), the time must be counted as hours worked. Supervisors may adjust an employee's work schedule to prevent an overtime situation when an employee works during a meal period.

Suffered or Permitted Work Hours: Work not requested and approved in advance, but suffered or permitted is still considered hours worked. This may occur when an employee begins to work prior to the beginning of the day, during lunch hours, or continues to work at the end of the day without approval. **When the supervisor has knowledge of or has reason to believe that the employee is working additional hours that have not been requested and approved, the hours must still be counted as hours worked.**

I, _____, hereby certify that I have read and reviewed the above
(print name)

communication regarding the Fair Labor Standards Act and understand my responsibility as an employee to ensure I enter actual hours worked into the SHARE time reporting system. I understand that all extra hours worked require prior authorization. I understand that non-exempt employees accrue compensatory time in lieu of payment of overtime in accordance with the provisions of the Fair Labor Standards Act. If you are an FLSA non-exempt employee, your signature indicates your understanding that working unapproved extra hours resulting in overtime may result in disciplinary action.

I understand as a supervisor or manager (should I be one or become one), that I am responsible for ensuring that my employees enter their time into the SHARE time reporting system accurately. I understand that all hours worked by my non-exempt employees must be entered and compensated even if they were not approved in advance. [The non-approval is a separate issue that I may bring to the AOC HR Division to address.]

I understand it is my responsibility to inform my Division Director and the AOC HR Division Director of any violations of the Fair Labor Standards Act and this Directive. **I realize that violation of the Fair Labor Standards Act and this directive can subject me to disciplinary action, up to and including dismissal.**

Employee Name (Please Print)

Division/Court

Employee Signature

Date

CC: Employee Personnel File