



FLSA Fact Sheet #4: Addressing Time Worked and “Volunteering” by Athletics Employees

Introduction

The new (and higher) Fair Labor Standards Act (FLSA) salary threshold taking effect on January 1, 2020, may result in a number of formerly exempt athletics employees becoming non-exempt. These employees may not have experience with tracking their time worked and/or may have had a practice of volunteering to assist other athletics events. A change to FLSA non-exempt status will require them to understand their timekeeping responsibilities and accountability for work-related activities.

The Fact Sheet offers guidance on addressing time worked and volunteering by athletics employees.

Time Worked

As the FLSA salary threshold alters employee classification, it is important for supervisors and employees to understand and properly track compensable work time. For example, athletics is an area where employees regularly travel due to competition, recruiting, and conference events. Athletics supervisors and employees will need to clearly establish non-exempt employees’ responsibilities during travel. Many athletics coaches and other staff members utilize travel time as an opportunity to catch up on work. Departments may also need to reevaluate which employees should be traveling regularly. Due to additional compensable work time accrued during travel, it may be cost effective to reduce the amount of travel by non-exempt employees.

“Volunteering”

For a variety of reasons, many athletics employees are often interested in performing tasks beyond their expected duties and work schedule. Regardless of whether this time is voluntarily spent developing professional skills, assisting during athletics events, or otherwise trying to advance the employee’s career, such activity presents the risk of incurring significant overtime costs for the employing institution. No matter the arrangement, an employee may not waive his/her FLSA rights and an employer remains responsible for providing compensation for all overtime worked by a non-exempt employee. It is an athletics supervisor’s responsibility to be vigilant for instances of non-exempt employees “volunteering” beyond their work schedules.

Non-exempt employees should be clearly and regularly informed that incurring unapproved overtime is not in compliance with the employing department’s work expectations. If a non-exempt employee then performs any unauthorized work, the UNC constituent institution remains responsible for compensating employees that time; however, the constituent institution may consider disciplinary action for an employee who consistently does not comply with work expectations and/or for any supervisor who is imposing such an additional expectation on the employee.

It is true that UNC constituent institutions have the ability to utilize bona fide volunteers under certain circumstances, but any instance of an athletics employee volunteering for an athletics event should be reviewed in advance by human resources staff and legal counsel to assure it meets the requirements for a volunteer or that alternative work arrangements can be made to minimize any overtime liability.