

**SECTION 5**  
**FAIR LABOR STANDARDS ACT APPLICABILITY**

**A. DEFINITIONS:** As used in these personnel policies and procedures:

1. "Covered employees" means those employees who are not excluded or exempt from the provisions of the FLSA.
2. "Excluded employees" or "non-covered employees" means those employees excluded from all provisions of the FLSA.
3. "Exempt employees" means those employees who are covered by the FLSA but are exempted from the minimum wage and overtime provisions of that act.
4. "FLSA" means the Fair Labor Standards Act, Title 29 United States Code, Chapter 8.

**B. POSITION CLASSIFICATION UNDER FLSA:** Based on the position the employee occupies, a FLSA classification shall be assigned as follows:

1. Exempt - Exempt salaried employees are classified as Executive, Administrative, or Professional as defined by the FLSA. Employees in these categories are not subject to overtime provisions of the FLSA. Individual job descriptions shall specify whether the position is classified as exempt. Exempt employees are covered by FLSA record keeping requirements, however, and shall submit time records.
2. Non-exempt - Non-exempt employees are those individuals who are subject to the overtime provisions of FLSA.
3. Excluded - Excluded employees are excluded from all provisions of the FLSA. Elected officials and their chief deputies, members of an office holder's personal staff, immediate legal advisors to elected officials, trainees, department directors, volunteers, independent contractors, court appointed wards, and prisoners are examples of non-covered employees. No time records are required of excluded employees.