

From: Taylor, Richele
To: Aydlette, Kim Kim.Aydlette@admin.sc.gov
CC: Haltiwanger, Katherine KatherineHaltiwanger@gov.sc.gov
Blankenship, Dottie Dottie.Blankenship@admin.sc.gov
Date: 11/9/2016 11:10:47 AM
Subject: Re: FLSA changes

Dottie - can you let me know your thoughts on exempt? Or Kim where this comes from? We are meeting with the Governor in this this afternoon.

As an example, the receptionist does not report directly to the Governor, and makes no major decisions, and will not meet the salary threshold. I know of no law that would make her exempt, but I am aware that SC had many oddities in state government.

Thanks!

Richele K Taylor
Chief Legal Counsel
Office of the Governor
South Carolina
Direct 803-734-8465

Sent from my iPhone

On Nov 7, 2016, at 10:08 AM, Aydlette, Kim <Kim.Aydlette@admin.sc.gov> wrote:

Good morning!

I've copied Dottie Blankenship on this response since she processes your HR actions. If the staff are in the Governor's office proper, I believe they qualify as exempt regardless of salary. However, Dottie may have a different interpretation and you should consult her. If someone needs to start recording time, Dottie or her staff would set them up for that in SCEIS. 2080 is used to calculate hourly rate for overtime. SCEIS is set up to do that for you automatically. Any change in FLSA status would not affect the State Grievance Act. Governor's staff in the office as well as the mansion and grounds will remain non-covered, meaning without grievance rights. Dottie's office has prepared correspondence for affected employees. Hope this helps!

Kim

From: Taylor, Richele
Sent: Friday, November 04, 2016 5:28 PM
To: Aydlette, Kim
Cc: Haltiwanger, Katherine
Subject: FLSA changes

Kim,

Sorry to send this at the end of the Friday, but I do not need a response over the weekend! I am just finally getting to this. If you could call next week or email on this that would be great.

Katherine and I have been reviewing the Governor's staff and the FLSA changes – and full disclosure I am the

hold up here. The Governor's Office has five employees that will change pay status with the new DOL salary test rule. Do we need to give you paperwork to change their status? Or how should we work with you on this to get their time keeper status turned on in SCEIS?

Second, we have one employee who will remain under the threshold but meets an FLSA exemption for elected officials and their appointees. (29 CFR 553.11). We probably need to designate this person appropriately in the system with you?

Third, for figuring out estimated hourly rate, does our office use the 37.5/1950 or the 40/2080? I am actually not sure.

Fourth, does state law allow us to keep everyone "at will" or does this change implicate status changes with grievance rights? Right now everyone is at-will and outside of grievance rights.

Last, we plan to meet with each person and explain next week. I will also draft a letter notifying them seven days in advance of this change (per SC wage payment change requirements). Is there anything else you are recommending agencies do?

Thanks,
Richele

Richele K. Taylor
Chief Legal Counsel
Office of the Governor
O: 803-734-8465
C: 803-231-9763

It's a great day in South Carolina

Safe Place SC – www.safeplaceSC.sc.gov