6/1 Meeting Agenda
I. Roll call
II. Approve May minutes
III. Approve June agenda
IV. Administration reports
   A. Div. of Admin.
   B. Human Resources
V. Officer Reports
VI. Old Business
VII. New Business
VIII. Liaison Reports
IX. Committee Reports
X. Open forum

Dates to Remember
June 1, 2016
Staff Senate Meeting

June 15-16, 2016
UW Board of Trustees Meeting

June 22, 2016
Meeting on Declaration of UW Financial Crisis

June 29, 2016
Staff Senate Annual Retreat

July 4, 2016
Independence Day Holiday

Staff Senate 2016 Election Results
UW Staff Senate recently held elections for terms beginning in 2016, and is pleased to recognize the following new and re-elected senators.

Division of Academic Affairs:
• David Keto, UWE/Communication
• Kathy Kirkaldie, Performing Arts
• Angela Reddick, INBRE, Outreach
• Alison Shaver, Ecosystem Science & Management

Division of Student Affairs:
• Renee Ballard, Res. Life & Dining Svs
• Ronald Michael Eaton, Res. Life & Dining Svs
• Carl Mehta, Res. Life & Dining Svs

Senators who are newly elected or will be confirmed beginning July 2016 include:
• Edward Moeller, elected, Division of Student Affairs, RLDS
• Sarah Dahlberg, elected, Division of Administration, Accounts Receivable
• Shelby Bull, elected, Division of Student Affairs, RLDS
• Allen Tanner (to be confirmed)

A full listing of current senators is available on the UW Staff Senate website.

Staff Senate Officers for 2016-2017
Staff Senate would like to introduce the officers for the upcoming academic year, who were elected this past spring.
• **President Mark Gunnerson** works in the Division of Administration, Controls Shop: 766-5573 | [mgunner@uwyo.edu](mailto:mgunner@uwyo.edu)
• **Vice President Rachel Stevens** works in the Division of Academic Affairs, College of Health Sciences, School of Pharmacy, Health Sciences Ctr 288D: 766-2150 | [rstevens@uwyo.edu](mailto:rstevens@uwyo.edu)
• **Secretary Heather Earl** works in Administration, Facilities Engineering, Service Bldg 112: 766-6883 | [hearl@uwyo.edu](mailto:hearl@uwyo.edu)
• **Parliamentarian Debbie Allred** works in the Office of the President, Athletics, in the Business Manager Office, Fieldhouse North: 766-3838 | [HArv@uwyo.edu](mailto:HArv@uwyo.edu)
• **Member-At-Large Raul Chavez** works in Foundation, Marian H. Rochelle Gateway Center: 766-4555 | [rchavez2@uwyo.edu](mailto:rchavez2@uwyo.edu)
Nominations for Employee of the 3rd Quarter Close September 9

Nominations for the UW Staff Employee of the 3rd Quarter close on Friday, September 9, at 5:00 p.m.

The award recognizes deserving staff members for their efforts toward excellence in the workplace. Winners receive a variety of prizes and qualify for the Employee of the Year award.

Nomination forms and instructions can be found on the Staff Senate website.

Ask A Question: Oxygen Use and Reasonable Accommodation Under the ADA

Got a question of about the University of Wyoming or your employment here? Ask away at: staffsen@uwyo.edu.

QUESTION: “If an employee has been instructed by their health care provider to use oxygen, is this something that UW is required to make reasonable accommodation for, or is it acceptable for the supervisor to request that the employee not use the oxygen during work hours in order to avoid making others feel uncomfortable?”

ANSWER (from Marilyn Norman, Compliance Office, Labor Standards, State of Wyoming Department of Workforce Services): “Allowing the use of oxygen in the workplace would be viewed as a reasonable accommodation under ADA. Respiratory problems are viewed as a qualifying disability under ADA. As the employer, you can ask the employee to bring in documentation from their medical provider. The statement ‘the use of oxygen makes others feel uncomfortable’ could be discriminatory.”

Points to Ponder: Administrative Searches, Life Insurance Discontinuation, & Ivinson Street Upgrade

Administrative Searches

The University is currently conducting a search for a new Human Resources Director and Associate Vice President of Administration.

Members of the search committee are: Tami B. Benham-Deal, Mark Bercheni, John Davis, Tara R. Evans, Megan M. Hanneman, Jonnie M. Jenkins, and Eric Bennett Webb. The committee is working with a search firm to identify candidates, and they plan to bring final candidates to campus during the week of August 8th.

Life Insurance Changes

The life insurance policy that was previously offered to UW employees by Lincoln Financial was discontinued earlier this year. UW employees can still purchase limited life insurance through the State of Wyoming.

For more information, click here.

Ivinson Street Upgrade

Due to State-wide budget cuts, which have affected the City of Laramie, the planned Ivinson Street upgrade has been postponed until 2017 at the earliest.

Did You Know? UW Wellness Center

The University of Wyoming Wellness Center, which is housed in the newly renovated Half Acre Gymnasium, is the hub for health and wellness educational programs at the University that address ten areas of focus:

- Academic impacts,
- Alcohol and other drug abuse,
- General health,
- Mental health,
- Nutrition,
- Physical activity and fitness,
- Safety,
- Sexual health,
- Tobacco use, and
- Occupational and financial wellness.

The focus of the Wellness Center is on primary prevention, and its goals are:

- To incorporate educational strategies and services that empower and support students, faculty, and staff to make informed and healthy decisions, thereby promoting academic, personal, and professional success.
- To work collaboratively to identify, establish, and promote policies and activities that foster a culture of wellness and a healthy campus community.
- To encourage healthy lifestyles and to create an environment that promotes student recruitment and retention.
- To provide opportunities for students to develop and sustain behaviors that contribute to their health now, and into the future.

The Wellness Center is open to students as well as members of the University community. The Wellness Center includes many programs and services that are open to UW faculty and staff, such as Faculty and Staff Adult Wellness, health assessments and screenings, educational programs and workshops, and personal training.

Membership at Half Acre Gymnasium is not required to access most Wellness Center services. Most offerings are also free of charge; however, there are a few services (e.g., personal training) that charge a competitive rate.

The annual Staff Senate Retreat is June 29, 2016. At the retreat we welcome new senators and talk about our collective goals and objectives for the coming year. We would love to hear your thoughts about this.

What do YOU think Staff Senate should focus on this year?
Final Rule: Overtime: Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees under the Fair Labor Standards Act

On May 18, 2016, President Obama and DOL Secretary Perez announced the publication of the Department of Labor’s Final Rule updating overtime regulations, which will automatically extend overtime pay protections to over 4 million workers within the first year of implementation.

DOL published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on July 6, 2015 (80 FR 38515) and invited interested parties to submit written comments on the proposed rule at www.regulations.gov by September 4, 2015.

Key Provisions of the Final Rule

The Final Rule focuses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers to be exempt. Specifically, the Final Rule:

- Sets the standard salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South ($913 per week; $47,476 annually for a full-year worker);
- Sets the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to the annual equivalent of the 90th percentile of full-time salaried workers nationally ($134,004); and
- Establishes a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

Additionally, the Final Rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level.

The effective date of the final rule is December 1, 2016. The initial increases to the standard salary level (from $455 to $913 per week) and HCE total annual compensation requirement (from $100,000 to $134,004 per year) will be effective on that date. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

How Does the Final Rule Affect Higher Education Employers?

The DOL has prepared a fact sheet on how the Final Rule is applied to Higher Education employers, as certain categories of employees are considered differently under the FLSA (e.g., bona fide teachers, coaches, graduate /undergraduate students, and academic administrative personnel).

UW’s Department of Human Resources estimates that ~400 exempt employees will not meet the salary threshold as of December 1, 2016, and are in job categories that will be affected by the Final Rule.

Options for Higher Education Employers

Several options are available to employers to address the status of currently exempt employees who will no longer meet the salary threshold for exempt status as of December 1, 2016. These options include:

1. **Raise salaries.** For workers whose salaries are close to the new threshold and who meet the duties test, employers may choose to raise these workers’ salaries to meet the new threshold and maintain their exempt status.

2. **Evaluate and realign employee workload.** Employers can limit the need for employees to work overtime by ensuring that workloads are distributed to minimize overtime and that staffing levels are appropriate for the workload.

3. **Pay overtime above a salary.** Employers also can continue to pay newly overtime-eligible employees a salary basis and pay overtime for hours in excess of 40 per week. The law does not require that newly overtime-eligible workers be paid on an hourly basis. This approach works for employees who usually work 40 hours or fewer, but have seasonal “spikes” or periods of activity when overtime hours are required, for which employers can plan and budget the extra pay during those periods.
   - For employees who work a fixed schedule that rarely varies, the employer may simply keep a record of the schedule and indicate the number of hours the worker actually worked only when the worker varies from the schedule.
   - For an employee with a flexible schedule, an employer does not need to require an employee to sign in each time she starts and stops work. The employer must keep an accurate record of the number of daily hours worked by the employee. So an employer could allow an employee to provide just the total number of hours she worked each day, including the number of overtime hours, by the end of each pay period.

4. **For public schools, utilize comp time.** Public sector employers—unlike private sector employers—can provide comp time at time and one-half rather than cash overtime payments, in appropriate circumstances. (Note that comp time cannot be paid out in lieu of overtime pay if an employee’s base pay is lowered to accommodate projected overtime.)

5. **Adjust employees’ base pay and pay overtime.** Employers can adjust the amount of an employee’s earnings to reallocate it between regular wages and overtime pay. This method works for employees who work a relatively small amount of predictable overtime. The revised pay may be on a salaried or hourly basis (there is no requirement to convert workers to hourly pay status), but it must include payment of overtime when the employee works more than 40 hours in a week.

For more detail on the FLSA and higher education, please see [here](#).