

State of Kansas

Policy on Reductions in Salary of Exempt Employees

Limitations on the Reduction of the Salary of an Exempt Employee:

The Fair Labor Standards Act (FLSA) requires that exempt employees must be compensated on a “salary basis” as promulgated by the U.S. Department of Labor. The salary of an exempt employee cannot be reduced because of variations in the quality or quantity of work performed. The exempt employee must be paid their full salary for any week in which they perform any work. No salary is to be paid in any work week when no work is performed.

Reductions in the Salary of an Exempt Employee are Limited to the Following Situations:

1. Absences from work for one or more full days for personal reasons, other than sickness or disability (i.e. when employees have no paid leave to cover the time off, and the reason for the absence is for personal reasons, no sickness or disability, the reduction must be in full-day increments);
2. Absences from work for one or more full days due to sickness or disability if deductions are made under the sick leave plan which provides wage replacement (i.e. if an employee does not have enough sick leave to cover a full day’s absence, the employer cannot deduct for a half-day of leave without pay);
3. To off set any amounts received as payment for jury fees, witness fees, or military pay;
4. Penalties imposed in good faith for violating safety rules of “major significance”;
5. Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of workplace conduct rules;
6. Proportionate part of an employee’s full salary may be paid for time actually worked in the first and last weeks of employment; or
7. Deductions in the salary of exempt employees salary due to a budgetary required furlough.

None of these exceptions affect the requirement that employees use sick leave, shared leave, vacation leave or holiday compensatory time in half or full-day increments.

Complaint Process:

If an exempt employee believes that his or her salary was reduced improperly and the matter cannot be resolved at the agency level, he or she may file a complaint regarding the alleged improper reduction with the Division of Personnel Services (DPS) in the Department of Administration. Such employees should submit their complaint in writing or via email to:

Ken Otte, Human Resource Professional
Division of Personnel Services
900 SW Jackson
Landon State Office Building, Rm. 252
Topeka, Kansas 66612-1251
Email: Ken.Otte@da.state.ks.us

Staff from DPS will work with the employee and representatives from the employing agency to reach final resolution of the complaint.

Agencies must reimburse employees for deductions that are found to be improper and take action to ensure that such deductions do not occur again.