Q & A Fact Sheet

Relating to the Non-Exempt Classification of Court Reporters Pursuant to the FLSA

The following questions and answers have been developed to educate court reporters about the change in FLSA classification.

Q Will my pay remain the same?

A Yes, your annual income will remain the same. Previously, your annual income was simply divided by 12 and paid on a monthly basis. Now, as an FLSA-covered employee, your income will be calculated as an hourly wage multiplied by hours worked.

Q Will my leave accruals change?

A No. You will still accrue the same amount of vacation and sick leave.

Q The supervising district judge I work for is planning to be out of the office (either on vacation leave, medical leave, attending training, etc.). Do I have to take vacation time while he or she is out of the office?

A No, you do not have to use vacation time while the supervising district judge is out of the office. The ADJ and TCA in your district must be contacted in advance of the anticipated absence to communicate that you are available for work in the district. In addition, there are a number of other tasks that you can complete during this time. See the list under what tasks are covered in a 40-hour workweek.

Q How will my benefits be impacted if I work less than 36 hours in a week?

A The Department of Administration's policy regarding full-time employee benefits allows for some variance in schedule and appears to look at an average over time, rather than a rigid 36 hours each week. The occasional situation where a court reporter may drop below the 36 hours but then consistently work 36 hours in other weeks should not adversely impact his/her benefits. If you know you will not reach 36 hours in a week, you must contact your administrative district judge or trial court administrator to see if you can assist with other work in the district.

Q What tasks are covered in a 40-hour workweek?

A Hours worked is defined as follows: all work that is completed in connection with an official court proceeding. A 40-hour workweek is considered to begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m. Tasks that are considered part of hours worked include:

- Preparation of transcripts from official court proceedings and transcripts that are ordered by the court and worked on during the 40-hour workweek. Time spent preparing transcripts outside the 40-hour workweek is not included in hours worked.
- Administrative tasks such as paperwork, phone calls, filing, electronic file backup, procuring supplies, dictionary management, accessing technical support, updating software, and accessing software support.
- Reporting official court proceedings, including reading back, time waiting for juries, realtime preparation, and providing coverage for other official court reporters and senior judges.
- Time spent practicing to maintain skills and speed, as well as time spent participating in Supreme Court approved education programs.
- Being available in accordance with ICAR 27(i).
- Travel time from home station (judge's resident chambers) to other counties, minus normal commute time.

Q Is travel time considered part of my hours worked?

A Travel time from your home station (i.e. your supervising district judge's resident chambers) to another county is compensable, minus your normal commute time. Questions should be directed to the Human Resources Manager.

Q Are transcripts of administrative hearings considered hours worked?

A If the matter has been appealed to the court, yes. However, if the matter has not been appealed, work on these transcripts is allowed during the 40-hour workweek only if you are current on court transcripts and no other court work is available.

Q What qualifies as extra-curricular activities that count towards hours worked?

A Activities that are Supreme Court approved, such as serving on a committee or attending an education program count towards hours worked.

Q Will I still be able to flex my time?

A Yes, court reporters maintain the ability to flex their time. Flex time is defined as a flexible work arrangement that allows court reporters to vary their work schedules, subject to the approval of their supervising district judge, in conjunction with the ADJ and TCA, provided they complete 40 hours within a workweek.

Q What is meant by availability?

A Availability means that you have been authorized to work at an alternate location during regular office hours, are available for court proceedings, and may be contacted to come into the office during those hours. See Idaho Court Administrative Rule 27(i).

Q What if I am caught up on all the work listed under the tasks covered in a 40-hour workweek? Can I still claim the time I am available as hours worked?

A The ADJ and TCA in your district must be contacted to communicate that you have

completed all your work and are available to assist with other assignments, either within the district or statewide. Being available means that you have been authorized to work at an alternative location during regular office hours and are available to be called in during these hours. In order to count as hours worked, the time must be spent on the work listed under the tasks covered in a 40-hour workweek regardless of the location. If all of those tasks are completed, then time may be spent on preparing transcripts once you have informed the ADJ and TCA in your district; you will be called into the office if there is other work that is determined to have a higher priority.

Q Will I still be able to do freelance work?

A Yes, court reporters will still be able to work freelance as they have in the past.

Q What is considered freelance work?

A Freelance work is defined as preparation of any transcript that does not come from an official court proceeding. When administrative proceedings are appealed to the court, they become official court proceedings and the preparation of any transcript associated with those proceedings can then be counted towards hours worked. Freelance work also includes reporting or taking of depositions or other proceedings that are not official court proceedings unless taken pursuant to a court order.

Q Will I receive overtime pay or will I accrue compensatory leave?

A Consistent with Supreme Court policy, compensatory leave will be accrued in lieu of overtime pay and must be approved in advance of the accrual. See Section V of the Idaho Judicial Branch Employee Handbook relating to General Leave Policies.

Q How do I request overtime approval?

A You must inform your supervising district judge in advance that you anticipate working more than 40 hours in a week. Your supervising district judge will work with the administrative district judge or his/her designee to determine whether accrual of compensatory leave is appropriate or whether other options are available. In situations where compensatory leave accrual is unexpected and prior approval from the administrative district judge or designee is not possible (e.g. Friday trial hold over), the supervising district judge may approve the accrual.

Q Who do I send my timesheet to?

A Timesheets must be approved by your supervising judge with his or her signature and then submitted to the district trial court administrator on a monthly basis.

Q What happens if I don't turn in a timesheet?

A You will not receive a paycheck that month as your pay is based upon your hours worked

and your timesheet must be submitted by the deadline so that the Human Resources Office can enter this information into the state payroll system in order for a paycheck to be issued. If you submit the timesheet late, it will be included in the next month's payroll. Please know that if you miss the deadline, you will have to pay your portion of insurance premiums out of pocket as there will be no gross pay to deduct the premiums from. Also, any other deductions would not be made, either, such as PERSI, Social Security, Medicare, income taxes, and deferred compensation, although these will not have to be paid out of pocket and will be "made up" in the larger paycheck the following month.

Q Who will sign my timesheet if my supervising district judge is out of the office?

A Check with the administrative district judge on the process adopted for your district.

Q How often should I record my time?

A To ensure accurate timekeeping, you should track your time daily. Timesheets are submitted on a monthly basis.

Q Does FLSA status impact my at-will employment status?

A No. FLSA classification is a separate policy issue from employment status.

Q Will any statutes or rules be changed as a result of the change in FLSA classification?

A No.