

FLSA

Who is Covered?

The Fair Labor Standards Act (FLSA), which has been in effect since 1938, is administered by the Wage and Hour Division (WHD). The Act establishes standards for minimum wages, overtime pay, recordkeeping, and child labor. These standards affect more than 130 million workers, both full-time and part-time, in the private and public sectors. The FLSA requires most employees are to be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

The FLSA provides an exemption from both minimum wage and overtime pay for employees who can be classified as executive, administrative, professional and outside sales employees based on specific job duties and salary requirements determined by the Department of Labor. More information on exemptions can be found on the Wage and Hour Fact Sheet #17A (dol.gov).

Recordkeeping

Every employer covered by the FLSA must keep certain records for each covered, nonexempt worker. Employers must keep records on wages, hours, and other information as set forth in the Department of Labor's regulations. Most of this data is the type that employers generally maintain in ordinary business practice. However, the records must include accurate information about the employee and data about the hours worked and the wages earned.

All District hourly, nonexempt staff are required to clock in and out via the electronic time system and be paid for all actual time worked in accordance with the Fair Labor Standards Act. Work time is considered all time "suffered and permitted" whether or it is required or not.

Supervisors are not allowed to decrease hourly, nonexempt time without written consent from the employee verifying they were not working and should not be paid for the time.

Each employer must keep at least 3 years of payroll records. Records of which wage computations are based must be kept for 2 years including the written consent of an employee to adjust time.

Penalties/Sanctions

The Department of Labor uses a variety of remedies to enforce compliance with the Act's requirements. When Wage and Hour Division investigators encounter violations, they recommend changes in employment practices to bring the employer into compliance, and they request the payment of any back wages due to employees.

Willful violators may be prosecuted criminally and fined up to \$10,000. A second conviction may result in imprisonment. Employers who willfully or repeatedly violate the minimum wage or overtime pay requirements are subject to civil money penalties of up to \$1,100 per violation.

Hourly, exempt staff should not work over their approved FTE without consent of their immediate supervisor. Working unapproved time may result in disciplinary actions.