



What Supervisors Need to Know

Fair Labor Standards Act

April L. Wood, Human Resources Manager, CALS VT

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Objectives

- o You will better understand:
 - o The basic requirements of Fair Labor Standards Act (FLSA)
 - o How to apply FLSA requirements to your employees
 - o What you are required to do as a Virginia Tech supervisor or employee

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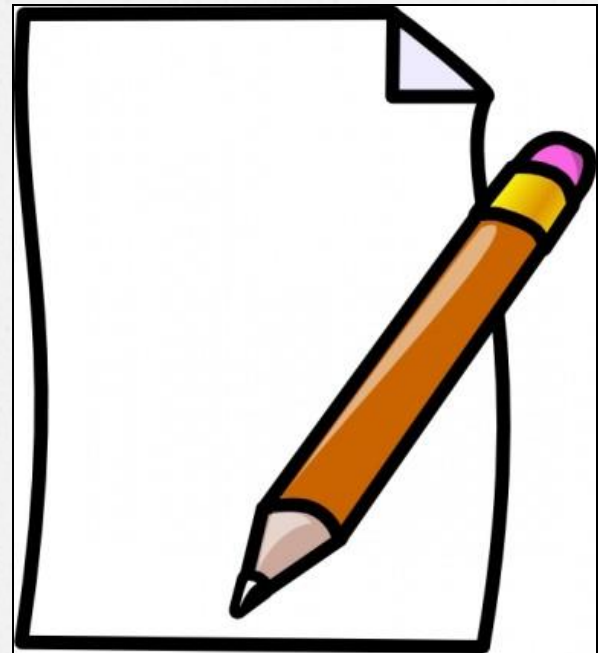
FLSA Basics

- o Minimum wage and overtime requirements
- o Hours of work and how to calculate overtime
- o Recordkeeping requirements
- o Exemptions from overtime requirements
- o Child labor laws

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Nonexempt and Exempt

- Nonexempt employees = entitled to overtime pay
- Exempt employees = exempt from FLSA overtime rules and therefore are not entitled to overtime pay
- CALS HR will evaluate CALS positions to help determine if they should be Exempt or Nonexempt



Equal Pay

FLSA also requires equal pay for equal work, and this requirement applies to all employees, exempt and nonexempt.

- o Employers must ensure that male and female employees are paid equal wages for performing substantially equal jobs under the federal Equal Pay Act.
- o If two jobs require equal skill, effort, and responsibility, and are performed under similar working conditions, they are considered equal for the purposes of determining wages.
- o Pay differentials based primarily on gender are prohibited by the Equal Pay Act. Minor differences in the degree of skill required or in job responsibilities cannot be used to justify a pay differential between male and female employees.



Hours of Work

- o FLSA requires minimum wage, pay for hours worked, and overtime pay
- o Hours worked means time that an employee is on duty
- o Workweek - For the purposes of FLSA, the workweek at Virginia Tech is defined as midnight Friday to midnight Friday.



Hours of Work (cont.)

- o Waiting time
 - o Time spent waiting to work is often compensable under FLSA. For example, the time an employee spends talking to co-workers while waiting for his machine to be fixed must be counted as work time. But if employees are completely relieved of duty for a period of time that is long enough for them to use the time effectively for their own purposes, such time need not be counted as work time.

- o On-call time
 - o Generally, on-call time must be counted as work time only when the employee is required to remain on the employer's premises or when the employee is at home but the time is so restricted that the employee cannot use it effectively. For instance, just because an employee is required to wear a beeper does not necessarily mean that on-call time is work time.

- o Travel time
 - o Work-related travel time is counted as work time. When travel during normal work hours is part of the principal job activity or when travel is necessary from jobsite to jobsite, it is work time. And although commuting time is normally not counted as work time, there are exceptions.

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Rest Periods

- o Meals
 - o You do not have to pay employees for meal periods, nor does this time count for overtime purposes—as long as employees are completely relieved of work duties during the meal period.
- o Work breaks
 - o FLSA does not require rest breaks during the workday. However, if short breaks of 5 to 20 minutes are offered, they count as work time.
- o Sleep time
 - o Sleep time may be paid work time depending on the circumstances. For example, an employee who is required to be on duty for fewer than 24 hours is considered to be working even if he or she is permitted to sleep or engage in personal activities when not busy. On the other hand, if an employee is on duty for 24 hours or more, sleep periods of 8 hours or less may be excluded from wage and overtime considerations as long as adequate sleep facilities where the employee can enjoy an uninterrupted period of sleep are provided. If the sleep period is interrupted by a call to duty, the interruption must be counted as work time. If the sleep period is interrupted to such an extent that the employee cannot get at least 5 hours of sleep, the entire period must be counted as work time.



Recording Work Time

- o Means of tracking hours
- o All wage employees must participate in our central timekeeping system, “TimeClock Plus”. Please work with your supervisor to get set up in TimeClock Plus and to help you use the system correctly.



Child Labor Laws

- o Apply to employees under age 18 (minors)
- o Minors are prohibited from performing particularly hazardous jobs that are detrimental to their health or well-being.
- o Employees 17 years of age are allowed to drive as part of their job, as long as they drive only during daylight hours within a 30-mile radius of the workplace, and the vehicle is 6,000 tons or less. However, driving may constitute only 20 percent of their total weekly work time and no more than one-third of their daily working time.
- o Children under age 16 are generally excluded from jobs in manufacturing, mining, processing, machine-tending, transportation, warehousing, communications, construction, or public utilities, or from working as a public messenger.
- o Employees who are 16 or 17 years of age have no hours of work restrictions. Minors who are 14 or 15 would have restrictions on hours of work. Please contact CALS HR to discuss.

Failure to Comply with FLSA

- Failure to comply with the FLSA can result in monetary penalties and imprisonment depending on the gravity and willfulness of the violation.



Key Points to Remember

- o FLSA is a federal law that applies to Virginia Tech.
- o This law governs minimum wage, overtime, and child labor issues
- o Be aware of the impact of this law
- o Make sure that the Department of Labor Workplace Posters are current in your common areas so that all employees and applicants have this and other important information

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Contact CALS HR

- o Contact us for assistance or to schedule a full-length training session with these materials for you and your work group.

April Lucas Wood
CALS Human Resources Manager
(540) 231-3003 or ALucas8@vt.edu

Thank you for viewing!

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