Fair Labor Standards Act (FLSA)
May 15, 2014
Fair Labor Standards Act

- Created in 1938
- Established a minimum wage
- Limited the number of hours worked in a standard workweek
- Provided standards
  - Equal Pay
  - Overtime Pay
  - Record Keeping
  - Youth Employment
White collar exemptions: Executive, Administrative, Professional, Outside Sales, and Computer Employees (Minimum salary, $455/week).

Delaware state minimum wage is $7.75 per hour effective June 1, 2014.

Hours worked include all the time an employee is required or permitted to be on duty on the employer's premises or at a prescribed workplace.
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- Overtime must be paid if the employer "knows or has reason to know" that the employee is working.
- Hours in excess of 37.5 hours per week are compensated at the regular wage rate.
- Non-exempt employees must receive overtime pay for hours worked over 40 hours per workweek.
- Overtime is compensated at one-and-one half times the regular rate over 40 in the same workweek.
- Overtime pay is based on the regular wage rate; blended rates if more than one job (with different rates of pay).
• Non-exempt staff, hours worked include travel time, training, and meetings.

  **Training Time**
  ✓ Time employees spend in meetings, lectures, or training is considered hours worked and must be paid.

  **Travel Time**
  ✓ Ordinary home to work travel is not work time.
  ✓ Travel between job sites during the normal work day is work time.
  ✓ Special rules apply to travel away from the employee’s home community.
Youth Employment

- Must be at least 16 years old to work in most non-farm jobs.
- 18 to work jobs declared hazardous by the Secretary of Labor.
- 14 and 15 years old may work outside school hours in under the following conditions:
  
  No more than
  
  3 hours on a school day or 18 hours in a school week;
  8 hours on a non-school day or 40 hours in a non-school week.

Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.
Youth Employment

Employment Certificates (Delaware DOL)

• Children under the age of eighteen (18) shall not engage in employment unless the University has in its possession a verified and validated employment certificate for the minor.

• The University shall keep the certificate on file at all times and make it accessible to the Delaware Department of Labor upon request.
Time Records

- Non-exempt employees are required to submit their time worked in an approved University format or UD Time as required for the position.

- UD Time or time sheet is an official University record and must be an accurate account of the hours worked each week.

- Deviations from the standard daily hours of work must be accounted for; e.g. over time and hours not worked (vacation, health and personal leave, etc.).
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Violations

• It is the employer’s responsibility to enforce the overtime rules, not the employees.
• Supervisor who authorizes/approves time records must have personal knowledge of the hours worked.
• Employee should not be asked to record more or less hours than worked; this is a violation of UD policy and illegal under FLSA.
• May subject the supervisor to disciplinary/legal action (including discharge).
• Suspected violations should be directed to the Chief Human Resources Officer.
Questions?

http://www.dol.gov/whd/flsa/