

FAIR LABOR STANDARDS ACT (FLSA)

LWCS_BP# 2023-005

TITLE: FAIR LABOR STANDARDS ACT (FLSA)

POLICY:

It is the LWCS policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations. LWCS shall pay at least the minimum wage required by the FLSA and Florida law to all covered, non-exempt employees.

Non-exempt employees are hourly employees or salaried employees who do not qualify for a professional, administrative, computer, executive, or any other exemption under the FLSA.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include but are not limited to, persons employed in bona fide executive, administrative, and professional positions and certain computer employees. Teachers are generally exempt, even if they are paid on an hourly basis. Such employees are exempt so long as they meet the salary requirements under the FLSA to the extent applicable.

Non-exempt employees who work more than forty (40) hours during a given work week will receive overtime pay in accordance with the FLSA for all hours worked in excess of forty (40). Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. [or Monday at 12:00 a.m. and continuing to the following Sunday at 11:59 p.m.].

The Superintendent shall determine the necessity and availability of overtime work. Overtime may be authorized only by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

Salary Deductions

Deductions may be made to an otherwise exempt employee's salary in certain circumstances without jeopardizing such employee's exempt status. Deductions may occur under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability
- B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness
- C. to offset amounts employees, receive as jury or witness fees, or for military pay
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions

- E. for penalties imposed in good faith for infractions of safety rules of major significance

In addition to the foregoing, exempt employees who accrue personal leave and sick leave may have their pay reduced or may be placed on unpaid leave for absences due to personal reasons of less than one (1) full day when leave is not used by the employee because:

- A. permission to use leave has not been sought or permission has been sought and denied;
- B. the employee's accrued leave has been exhausted; or
- C. the employee chooses to use leave without pay.

Deductions from the pay for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

LWCS shall also not be required to pay the full salary in the initial or terminal week of employment if the employee does not work the entire week, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

LWCS recognizes that with limited legally permissible exceptions as described above, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the payroll manager, or his/her immediate supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and LWCS will make a good-faith commitment to avoid any recurrence of the error.

This policy shall be distributed to employees upon initial hire, and to all employees on an annual basis.

Information regarding the FLSA may be found on the U.S. Department of Labor's website (www.dol.gov).

This policy is intended to comply with and explain the employees' rights under the FLSA. To the extent there is any conflict or the policy exceeds the statutory requirements, the statute and its implementing regulations prevail.

SPECIFIC AUTHORITY

F.S. 448.110

Section 24, Article X of the Florida Constitution

29 U.S.C. 201 et seq.

29 C.F.R. Part 541

APPROVED: