

Fair Labor Standards Act (FLSA) Compliance FAQ for K-12 Schools



1. What is the FLSA?

The FLSA is a federal law establishing minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

2. How does the FLSA apply to K-12 schools?

K-12 schools, whether public or private, must comply with FLSA regulations. This includes proper employee classification, adherence to minimum wage and overtime requirements, and maintaining accurate records.

3. Who qualifies as an exempt employee under the FLSA in a school setting?

To be classified as exempt from overtime, an employee must generally meet three criteria:

- **Salary basis:** paid a fixed salary not subject to reduction based on work quality or quantity
- **Salary level:** earning an amount that meets or exceeds the U.S. Dept. of Labor threshold
- **Duties test:** performing executive, administrative, or professional duties as defined by the FLSA

(Teachers are typically exempt regardless of salary, provided their primary duty is teaching.)

4. Are coaches and extracurricular staff considered exempt?

The exemption status of coaches and extracurricular staff depends on their specific duties and compensation. If their primary role involves teaching or instructing students in an educational establishment, they may qualify for the teacher exemption. However, if they do not meet the criteria for exempt status, they should be classified as non-exempt and are eligible for overtime pay.


5. How should schools handle overtime for non-exempt employees?

Non-exempt employees must receive overtime pay at a rate of one and one-half times their regular rate for hours worked over 40 in a workweek. Schools should establish clear policies requiring prior authorization for overtime work to manage costs and ensure compliance.



6. What are the recordkeeping requirements under the FLSA?

Schools must maintain accurate records for each non-exempt employee, including:

- Personal information (full name, Social Security number, address)
 - Hours worked each day and total hours each workweek
 - Basis on which wages are paid (i.e., hourly rate, salary)
 - Total daily or weekly straight-time earnings
 - Total overtime earnings for the workweek
 - Deductions from or additions to wages
 - Total wages paid each pay period
 - Date of payment and the pay period covered (These records must be preserved for at least three years.)
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7. How does the FLSA impact substitute teachers?

Substitute teachers may be considered exempt if they perform teaching duties and meet the criteria for the professional exemption. However, if their duties do not primarily involve teaching, they should be classified as non-exempt and are entitled to overtime pay for hours worked over 40 in a workweek.

8. Are there special considerations for annualized pay for hourly employees?

Yes, when distributing an hourly employee's pay over 12 months, ensure that the arrangement complies with FLSA requirements. The employee's regular rate must meet or exceed the minimum wage for all hours worked, and overtime must be calculated based on actual hours worked in each workweek, not the averaged hours over the pay period.



9. What steps should schools take to ensure FLSA compliance?

- **Review Job Classifications:** Regularly assess employee duties to ensure proper classification as exempt or non-exempt.
- **Establish Overtime Policies:** Implement clear procedures for approving and documenting overtime work.
- **Maintain Accurate Records:** Keep detailed and accurate records of hours worked and wages paid.
- **Train Supervisors and Staff:** Educate those involved in payroll and scheduling about FLSA requirements to prevent inadvertent violations.

10. Where can I find more information on FLSA compliance?

For comprehensive guidance, visit the U.S. Department of Labor's Wage and Hour Division website: <https://www.dol.gov/agencies/whd/flsa>.