

SECTION 22 FAIR LABOR STANDARDS ACT (FLSA)

The FLSA provides federal guidelines on employment status, child labor, minimum wage, overtime pay, and record-keeping requirements.

22-01 POLICY PROVISIONS

- 22-01 (1) The City of Logan complies with the Fair Labor Standards Act (FLSA) and all subsequent amendments to the act.
- a. The FLSA establishes guidelines by which positions may be determined to be exempt from the Act and which are non-exempt and are determined by the Human Resource Department.
 - b. The FLSA establishes age and time requirements when minors can work.
 - c. The FLSA sets the minimum wage that must be paid and mandates when overtime must be paid.
 1. Employees covered by FLSA must be paid at least one and one half (1½) times their regular rate for all hours worked in excess of 40 hours in a week (seven consecutive days).
 2. The regular rate of pay must be determined to calculate overtime pay, and it includes the base rate, bonuses, commission, piece rates, incentives, shift differentials, and training pay.
 3. Personal Leave, Short-term Disability, Holidays, etc. will be paid at the regular rate of pay.
 4. The regular rate of pay excludes contributions to pension and insurance plans, discretionary bonuses and longevity pay.
- 22-01 (2) The FLSA defines hours worked as all time spent in an employee's principal duties and all essential ancillary activities must be counted. Work time is compensable if expended for the employer's benefit, if controlled by the employer, or if allowed by the employer.

- a. Activities which occur before or after an employee's principal duties need not be counted as work time. Examples are:
 - 1. Changing or washing work clothes.
 - 2. Traveling to or from work.
 - 3. Meal periods or breaks.
 - 4. Non-mandatory training time.

22-01 (3) The FLSA requires specific records to be kept which include the following:

- a. Name, address, and date of birth if under 19 years of age.
- b. Day and hour on which workweek begins.
- c. Number of hours worked (as opposed to "scheduled") each day and total number of hours worked each week.
- d. Inclusions and exclusions from regular rate of pay.
- e. Total daily or weekly straight time earnings.
- f. Total overtime earnings.
- g. Total deductions from earnings.
- h. Total wage each period.
- i. Date of payment, amount, and period included in payment.