

02.08 Fair Labor Standards Act (FLSA)

Original Approval: **DATE**

Last Updated: **DATE**

Last Reviewed: **DATE**

Policy / Purpose:

It is the policy of Wallace Community College – Selma (WCCS) to ensure compliance with all applicable provisions of the Fair Labor Standards Act (FLSA) and Alabama Community College System (ACCS) [Board Policy 614.01](#).

Scope:

This policy applies to all WCCS students and employees during any activity involving the College, including the workday. In addition, visitors, vendors, contractors, and all other non-employees are expected to recognize and comply with College policies.

Definitions:

Fair Labor Standards Act (FLSA): Federal law that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Generally speaking, the FLSA establishes minimum wage and overtime regulations.

Exempt: An individual in a position that is executive, administrative, professional and outside sales: (as defined in Department of Labor regulations) and who are paid on a salary basis are exempt from both the minimum wage and overtime provisions of the FLSA.

Non-Exempt: An individual who is not exempt from the overtime provisions of the FLSA and is therefore entitled to overtime pay for all hours worked beyond 40 in a workweek (as well as any state overtime provisions). Nonexempt employees may be paid on a salary, hourly or other basis.

Details:

1. **Determination of FLSA Status**: When a new position is developed, the Director – Human Resources creates a job description. Refer to the Job Descriptions policy. During job description development, the Director – Human Resources determines FLSA status, using the procedure below.
2. **Record Keeping**: The Human Resources and Payroll Offices are responsible for ensuring compliance with FLSA record keeping requirements.

Procedure(s):

Determining FLSA Status

1. Refer to the Employment Policy.

Worker Classification – Employee or Independent Contractor Procedure

1. Refer to the Employment Policy.

Additional Provisions / Information:

Refer to the Employment Policy.

Refer to the Working Conditions Policy.

Refer to the Pay and Salary Administration Policy.