



Fair Labor Standards Act Fact Sheet for School Districts

The Fair Labor Standards Act (FLSA) is a federal employment law that, among other things, establishes overtime pay standards affecting employees, including those of public school districts.

Salaried employees who meet one of the exemptions are not entitled to overtime if they work more than 40 hours per week. Recent changes in federal regulations raise the salary basis portion of the test for the exemptions, which means some current salaried employees may become eligible for overtime. That means school districts may have to start paying overtime for these employees, or take other actions.

Effective December 1, some district employees who had not been eligible for overtime pay now will be. The rule change will result in some executive, administrative, professional and certain computer employees falling below the new minimum salary level necessary to maintain exempt status. **Teachers are exempt from overtime pay requirements.**

- The current salary threshold to be exempt from overtime pay is \$455.00 per week or \$23,660 annually. Effective Dec.1, that threshold will increase to \$913 per week or \$47,476 per year.
- The new annual compensation for “highly compensated employees” who may receive overtime pay will increase from \$100,000 to \$134,004.

To do now:

- Identify which positions might be converted from exempt to non-exempt;
- Compare costs of overtime to costs of adding additional support positions;
- Explain to employees why these changes are happening in order to reduce resentment;
- Inform employees that this change is required to comply with the law; all employers are required to make this change;
- Keeping accurate records is essential; make sure non-exempt employees are keeping track of their hours.

Likely school district personnel affected by the change:

- Those with “manager”, “supervisor”, “coordinator”, “director”, etc., in their titles
- Other non-educator supervisors
- Mid-level personnel (not necessarily in management)
- No school district department is immune: Food Service, Custodial, Transportation, Finance, Physical Plant, Special Education, Student Services, Human Resources, etc.

Ramifications for district violations of the FLSA:

- Payment of back wages
- Liquidated damages in an amount equal to the back wages and attorney fees
- Back wages may go back 2-3 years (29 USC 216(b))
- Criminal penalties
- Civil penalties up to \$1,100 per violation

Contact KASB Legal staff with questions. Toll Free: 1.800.432.2471 or 785-276-3600