# What is FLSA

The Fair Labor Standards Act (FLSA) establishes 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.

# Who is covered

All employees of certain enterprises having workers engaged in interstate commerce, producing goods for interstate commerce, or handling, selling, or otherwise working on goods or materials that have been moved in or produced for such commerce by any person, are covered by the FLSA.

# FLSA requires the following recordkeeping

The FLSA requires employers to keep records on wages, hours, and other items, as specified in DOL recordkeeping regulations. Most of the information is of the kind generally maintained by employers in ordinary business practice and in compliance with other laws and regulations. The records do not have to be kept in any particular form and time clocks need not be used. With respect to an employee subject to the minimum wage provisions or both the minimum wage and overtime pay provisions, the following records must be kept:

1. personal information, including employee’s name, home address, occupation, sex, and birth date if under 19 years of age;
2. hour and day when workweek begins;
3. total hours worked each workday and each workweek;
4. total daily or weekly straight-time earnings;
5. regular hourly pay rate for any week when overtime is worked;
6. total overtime pay for the workweek;
7. deductions from or additions to wages;
8. total wages paid each pay period; and
9. date of payment and pay period covered.

Records required for exempt employees differ from those for nonexempt workers. Special information is required for homeworkers, for employees working under uncommon pay arrangements, for employees to whom lodging or other facilities are furnished, and for employees receiving remedial education.

# 1230-2 (rule which contains the following)

# Overtime:

The actual hours a non-exempt employee worked in excess of forty hours during the established work week.

The excess hours are the basis for overtime pay at the rate of one and one half times the employee’s annualized hourly rate OR compensatory time off at the rate of one and one half times of overtime worked.

NOTE: Overtime is not authorized until the non-exempt employee has worked more than forty (40) hour

work week.

# Comp Time or Compensatory Time:

Compensatory time is not leave, but a form of compensation. Compensatory time off is time off during regularly scheduled work hours in lieu of a cash payment for overtime worked by non-exempt employees.

The accumulation and usage of compensatory time off for non-exempt employees is dictated by FLSA, state statutes and state personnel rules. Exempt employees ARE NOT entitled to accumulate or use compensatory time.

# Shift Differential:

An additional amount of pay added to the employee’s base pay rate in compensation for working certain shifts. Second shift hours fall between 4:00 PM to 11:00 PM; third shift hours fall between 11:00 PM to 6:00

AM. For scheduled work time, employees are paid shift differential based on the work schedule shift status. The shift status is established by determining if 50% or more of the time was worked during second or third shift time period. Unscheduled work time is paid shift differential hour for hour. Shift differential shall not apply to Holidays or paid leave. Eligibility for shift differential payment is documented in the annual compensation plan by classification.

# On-call Status:

Designated employees are in on-call status when they are scheduled to be immediately available to work beyond the regular work schedule after they have left the job site. Compensation is provided for the additional restrictions placed on an employee who is away from the worksite but in on-call status. To be designated for on-call status, a position or class of positions must be approved by the CDOT division director as eligible for on-call.

# Subject-to-Call Status:

Employees in positions which, as a condition of employment, have been designated by the approving authority as subject to being called back to work for essential or emergency work are considered to be in subject-to-call status. Some conditions may be attached to subject-to-call status, such as requiring the employee to provide a phone number where he/she can be reached, however, the employee has free use of their non-work time. Compensation is not provided while in subject-to-call status. Eligible employees actually called back to work receive call-back pay.

# On-Call Pay:

An amount established by the Department of Personnel annual total compensation survey which is paid to eligible employees while in on-call status. In call-back situations, employees eligible for both on-call and call-back pay shall receive call-back pay only.

# Call-Back Pay:

An employee whose position is eligible for overtime compensation shall be eligible for call-back pay.

Exempt positions may be eligible for call-back pay if a request is made to and approved by the CDOT

Executive Director or designee. Call-back pay is the minimum number of hours for which an employee must be compensated when required to return to work after leaving the place of work upon completion of an assigned shift.

# Employee Expectations

* Adhere to personnel, rules, laws and executive orders
* Enter time and leave
* Report to work on time and work their schedule
* Communicate any work schedule changes to their supervisor

# Supervisors Responsibilities

* Apply State and Federal time and leave rules and Laws
* Balance overtime hours and budget
* Request work schedule changes
* Review employee hours and cost elements
* Approve time entries by payroll deadline