

# FLSA & SCHOOL DISTRICTS

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## FLSA: One wicked, complex statute

- Damages
  - Two-year look back
    - Doubled damages
  - Three-year look back for willful violations
  - Attorney's fees if Employee sues
  - The DOL can also sue the District
  - Criminal and individual liability

## DOL SHIFTS

- Insisting on liquidated/double damages
- Refusal to approve settlements on self-audit, full investigation required
- Referral of suits to plaintiffs' lawyers via 800-number hotline

## CASE #1

Our Assistant to the Superintendent is exempt – she's salaried!

## Present Salary Test

- Earn less than \$35,568
  - Always entitled to overtime
- Earn \$35,568-\$107,431
  - At least \$684 per week
- Earn \$107,432 or more
  - Not entitled to overtime if they perform *any* exempt duties
- SALARY TEST DOES NOT APPLY TO TEACHERS

## Misclassification of Exempt/Non-Exempt

- Text is not whether paid by salary or their job title
- Real test
  - The nature of the job
  - What the employee does

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Title search: The FLSA and School Districts

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"The FLSA and School Districts"