



## Don't get hit with an FLSA Lawsuit

Fair Labor Standards Act (FLSA) lawsuits are exploding across the country. It is no coincidence that SLRMA's top downloaded tool on its website continues to be the FLSA Self-Audit Checklist. This popular Checklist has been updated with practical comments to assist school district employers in their compliance with federal requirements.

The recent surge of legal actions taken against school districts for incorrect payment of overtime is straining the limits of an already overtaxed educational system. School districts are 100% responsible for FLSA compliance. Investing the time to learn about and comply with FLSA overtime regulations can save your school district substantial amounts of money. This industry leading tool can give your district some peace of mind.

### **Are your answers to these questions in compliance with FLSA requirements?**

**Does your school district keep accurate time and attendance records?**

**Do your non-exempt employees often work more than one job?**

**Do your employees "volunteer" for regular work activities?**

**Do you always consider employee gap time?**

**Are your employees classified correctly under FLSA regulations?**

Inside is a small sample of SLRMA's comprehensive 2009 FLSA Self-Audit Checklist to get you started on your road to proper compliance. Download the full Self-Audit Checklist in the Special Reports and Checklists section of the SLRMA Newsroom now.

Stay in tune with SLRMA—  
Check the SLRMA website  
for recent case summaries  
that could impact your  
school district.

Logon to SLRMA.org for an  
up-to-date memorandum  
from Hogan & Hartson,  
LLP (Washington, D.C.)  
on school discipline for  
off-campus online speech.

## Employment Records

Employment records must contain accurate information concerning non-exempt employees and must reflect actual realities, not best intentions; for instance, time worked, not merely scheduled time.

Do employee files contain the following information?

**Yes No**

- Full name
- Home address (including zip code)
- Social Security Number
- Date of birth (if under 19)
- Sex
- Position/occupation
- Time and day on which each workweek begins
- Regular hourly rate of pay
- Basis for payment (hourly/salary)
- Exclusions from regular pay (deductions)
- Hours worked for each workday and total hours worked in each work week
- Total daily or weekly straight-time earnings or wages
- Total overtime compensation for each week
- Total additions to or deductions from wages paid in each pay period
- Date of payment of wages and pay period covered by payment

If your records do not contain all of the above information, you must correct them going forward and consult an attorney.

## Pay Policies

Do records accurately reflect the hourly rate for:

**Yes No**

- Employees working regular hours?
- Employees working irregular hours?
- Employees working two or more jobs?

Are employees paid for:

**Yes No**

- On-call time?
- Break periods (not including meal periods)?
- Time spent preparing employee's own time records?

## Overtime?

- Time when an employee is not scheduled to work but the school district permits work to be done by the employee?
- Time spent waiting to perform a task when that school district is not allowed to leave the employer's premises?

## On-Call Employees, Volunteers, Multiple-Position Employees

There are special rules that pertain to a school district's use of on-call employees, volunteers, and employees who work in more than one job. An employer needs to keep accurate records of all hours worked by an individual employee in each capacity or combination of capacities (e.g., an employee who performs multiple jobs or who volunteers for a different job).

For on-call employees, does the school district have a method to determine the following:

**Yes No**

- The frequency when on-call employees are called to work?
- Required response time?
- Geographic restrictions on the on-call employee while waiting to be called?
- The on-call employee's freedom to engage in personal activity while waiting to be called?
- Does the school district make available pagers, mobile phones, etc. for on-call employees?

**This is a small sample of the comprehensive self-audit. Logon to [SLRMA.org](http://SLRMA.org) and download the checklist in its entirety to use at your school district.**

# Newsroom Updates

**Minimize risks to  
your school district**

Visit SLRMA's Newsroom to find out the latest on COBRA and ARRA requirements placed on school districts.

## **COBRA premium extension assistance.**

New legislation extends the COBRA Premium Assistance Program for eligible individuals. Under certain circumstances, the law, as amended, may require employer health plans to supplement or modify their COBRA notices and to accept lower premiums from eligible individuals. Download this insightful legislation update now from the Miscellaneous section of the Newsroom.

## **SLRMA has also added updates on federal legislation as well as summaries of cases that impact schools directly.**

**Don't forget...** the valuable Special Reports that are available to you on SLRMA.org. In addition to our featured SLRMA Special Report, the 2009 FLSA Self-Audit Checklist Update, here are other very popular Special Reports:

## **Disciplining Students with Disabilities: A Self-Audit Checklist.**

Use this checklist to analyze your school district's disciplinary procedures for students with special needs.

## **Avoiding Discrimination, Harassment, and Retaliation Lawsuits: A Self-Audit Checklist.**

During this challenging economic time, staffing changes can be tricky. The purpose of this Checklist is to give school districts practical advice and concrete policies they can implement right away in their employment decisions.

## **E-Discovery: School District Self-Audit, Part II.**

Your school district can use this Self-Audit in the event a lawsuit is filed. It helps your district address litigation hold issues.

## **The Economic Stimulus Package: the American Recovery and Reinvestment Act (ARRA) - An Update.**

The U.S. Office of Management and Budget (OMB) issued an Updated Guidance on job estimate reporting under ARRA. Federal funds recipients are no longer required to report estimates of jobs that were saved or created because of ARRA funds if not paid with ARRA funds. In addition, recipients must now report jobs on a quarterly rather than a cumulative basis. Check out the details of this recent OMB action by downloading the memo found in the American Recovery and Reinvestment Act section of the Newsroom.

### **Don't forget...**

the valuable Self-Audit Checklists available to your district at SLRMA.org.

Watch the SLRMA Newsroom for the future case summary regarding the Lower Merion School District. A Pennsylvania school district is accused of spying on kids via laptop webcams!

Just logon to SLRMA.org.



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School Leaders Risk Management Association

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