



Fair Pay & Hours (FLSA) — Your Baseline Rights

Who Is Covered / Scope

Under the **Fair Labor Standards Act (FLSA)**, most **employees** in the U.S. are covered, including those in schools (public and private), unless they meet specific **exemptions**. Whether you're hourly or salaried, many roles that are not purely instructional or administrative are non-exempt and eligible for overtime.

- **Exempt roles** (e.g., certain teachers, administrators) are excluded from overtime, but exemption depends on **duties & salary test**, not just title.
- Public sector employees (including public school staff) are covered under the FLSA, except certain political or elected roles.
- Private schools may have additional agreements (contracts, state law) that offer more protections.

Core Rights

1. **Minimum Wage** — Federal floor (currently \$7.25/hr). States/localities may set higher minimums.
2. **Overtime Pay** — Non-exempt employees must be paid **1.5×** their regular hourly rate for hours worked > 40 in a workweek.
3. **Recordkeeping & Transparency** — Employers must keep accurate records of hours worked, wages paid, etc.
4. **No retaliation** — It's illegal to punish an employee for claiming these rights or filing a complaint.

Things to Watch Out For / Caveats

- “Salary” ≠ automatic exemption. Even salaried employees may be non-exempt depending on duties.



- Teachers often have a **50% rule** (teaching more than half the time) to qualify for exemption — but support staff and non-instructional duties may not count.
- Interns, volunteers, student employees may have different rules.
- Sometimes employers misclassify employees as independent contractors to avoid paying overtime; this can be illegal.

Steps You Can Take

- Review your job duties vs. the federal “duties test” for exemptions.
- Keep a personal record of hours worked (start, end, breaks, overtime).
- Compare pay stubs to your calculated hours; identify discrepancies.
- Raise the issue with your supervisor/HR (in writing) if you believe you are owed overtime.
- If unresolved, file a complaint with **Wage & Hour Division (WHD)** of the U.S. Department of Labor.

Resources / Where to Get Help

- Department of Labor Wage & Hour Division (WHD): dol.gov/whd
- FLSA Fact Sheets (educational institutions, overtime tests): dol.gov/whd/fact-sheets
- Submit a complaint with WHD: dol.gov/whd/contact

FAQ

Q: If I'm salaried, can I still be paid overtime?

A: Yes. Being salaried doesn't automatically exempt you. Exemption depends on your **actual job duties**, whether your role is administrative, professional, or executive in nature, and whether you pass the salary threshold.



Q: Can an employer require me to work “off the clock”?

A: No. Time worked must be compensated, regardless of how the employer asks it be done.

Q: What about breaks, lunchtime, or rest periods?

A: Federal law doesn't require paid breaks, but if the break is short (20 min or less), it must be paid. Lunch breaks (30+ min) are typically unpaid if you are completely relieved of duties.