

## Fair Labor Standards

The four major areas addressed in the FLSA are minimum wage, overtime pay, child labor, and equal pay. The act applies to public and private employers.

The current federal minimum wage is \$7.25 per hour for hourly employees. For tipped employees, the minimum wage is \$2.13. Many states set their minimum wages higher than the federal wage. The last change in federal minimum wage occurred in 2009.

Compensation may be paid using methods other than an hourly wage. A piece rate, a per-performance rate, a per-game rate, or a weekly rate are some examples. In general, any compensation schedule must average out to at least a minimum wage rate in order to be in compliance with the FLSA.

Classifying employees as independent contractors to avoid minimum wage requirements is a common FLSA violation. In general, a worker is an employee if he or she works under the behavioral and financial control of an employer and not independently.

Overtime pay must be paid to employees who work in excess of forty hours per workweek. The workweek is defined as seven consecutive days, and it must not be manipulated to avoid the payment of overtime. Overtime pay is calculated as 1.5 times the employee's regular pay rate.

Executives, administrators, professionals, and outside salespeople are exempt from minimum wage and overtime provisions of the FLSA. Classifying nonexempt employees as exempt is a common FLSA violation.

Minors under the age of eighteen years are prohibited from working in certain hazardous occupations, such as mining or milling. Minors aged sixteen to eighteen years may work in most nonhazardous occupations without restriction. Minors aged fourteen to sixteen years are subject to work-hour limitations. Children under fourteen years are permitted to work in agriculture on a limited basis. State laws may impose tighter restrictions on child labor than the FLSA.

### Links to Resources



Review the following links to learn more.

[Minimum Wage Laws in the States](#)  [Understanding Employee vs. Contractor Designation](#)

[Part 570—Child Labor Regulations, Orders, and Statements of Interpretation](#)

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### OSHA Safety Standards



Although specific standards depend upon the

industry being protected, the following general safety standards apply to all industries:

- ❑ Workers must be protected from falls using harnesses, barriers, or other safety features.
- ❑ Known hazards must be communicated to employees, such as broken equipment, spills, or failing structures.
- ❑ Scaffolding must be used in good condition and should be properly installed when working off of ground level.
- ❑ Respiratory protection must be provided when in the presence of dust, vapor, fumes, gasses, smoke, or sprays.
- ❑ Lockout or tagout procedures must be followed when working with electrical equipment.
- ❑ Ladders must be in good condition and must not be used if other, safer alternatives exist such as working on the ground.
- ❑ Employees must be trained in proper use of forklifts. Any employee operating a forklift must be fully trained.
- ❑ Guards must be in place on dangerous equipment such as cutters, punches, shears, or moving parts.
- ❑ Fall protection training must be provided to any worker who might be exposed to fall hazards.
- ❑ Electrical wiring must be properly grounded. Flexible wiring (extension cords) should not be substituted for fixed wiring in buildings except for temporary lighting purposes, such as holiday decorations.

#### Reference:

United States Department of Labor. (n.d.). *OSHA top 10 most frequently cited standards for fiscal year 2017*. Retrieved from [https://www.osha.gov/Top\\_Ten\\_Standards.html](https://www.osha.gov/Top_Ten_Standards.html)



#### Additional Material

From your course textbook, *Employment and Labor Law*, read the following chapter:

- The Fair Labor Standards Act



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