

Category: 300

Number: 383

Policy: Fair Labor Standards Act (F.L.S.A.)

Purpose: The purpose of this policy is to define and serve as primary document for Fair Labor Standards Act (FLSA).

Authority: St. Clair County Board of Commissioners. Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion. This policy replaces and supersedes any prior policy on this subject matter.

Application: This policy applies to County Officials, Appointed, Elected and Confidential and all County employees.

Responsibility: The Human Resources Director or designee shall be responsible for the administration and enforcement of this policy.

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime, wage and hour recording keeping and child labor standards affecting full time and part time workers in both the private and public sectors. In Michigan, the Wage and Hour Division of the Michigan Department of Labor addresses these same employment conditions. A state may add to but not subtract from the federal standards.

Disclaimer: This policy is intended to reflect compliance and conformity to FLSA. Should a conflict occur, this policy will be modified accordingly.

As established in the FLSA, employees who are “non-exempt” are entitled to be paid at the rate of one and a half times their regular rate for all hours worked in excess of forty (40) hours in a work week. Employees who are “exempt” from the overtime pay requirements include salaried employees in “executive”, “administrative”, “professional”, and “computer employee” positions. “Exempt” employees do not qualify for overtime pay.

Exempt employees include salaried employees paid at the minimum rate set by the U.S. Department of Labor (currently \$684 per week) or higher within one of the following categories:

“Executive” – Manages two or more workers as a primary duty with ability to hire, fire and exercise other discretionary powers.

“Administrative” – Performs primarily office or non-manual work directly related to management or operations of the County and whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

“Professional” – Primary duty includes work requiring advanced knowledge in the field of science or learning customarily acquired by prolonged course of specialized intellectual instruction. The work is predominantly intellectual in character and includes work requiring constant exercise of discretion and judgment.

“Computer Employee” – employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field, whose primary duties fall within the requirements of the exemption set by the U.S. Department of Labor.

For further information, an employee may contact the Human Resources Department by

telephone at (810) 989-6910 or by email at humanresources@stclaircounty.org.

Review: The Administrator/Controller has reviewed and approved this policy as to substance and Corporation Counsel has reviewed and approved as to legal content. The Human Resources Director shall periodically review this policy and make recommendations for changes as needed.

Adopted: February 18, 2021