

The Wage-Hour and FMLA Seminar for Public Agencies

Seminar Overview

For your planning purposes, we will start at 9:00 a.m. with a brief overview of the agenda, meal and break schedule, location of facilities, and other organizational details. We then move on to spend 20 to 30 minutes going over materials provided to participants. This is a worthwhile investment of time, since the equivalent of thousands of pages of reference information is provided, and participants will benefit from the knowledge of the types of information available and the best strategies for researching issues that may arise back at your government agency.

By 9:30 a.m. we begin to briefly review general principles, including: coverage, enforcement, penalties, employment relationship, volunteer status, and other related issues. By 10:30, we will be focusing on rules governing exempt/nonexempt status and spend forty-five minutes to an hour thoroughly covering the requirements for exempt status under federal law, with particular emphasis upon the application of these requirements in state and local governmental agencies. In the process, we will also highlight differences, if any, between the definitions of these exemptions under federal law and under the laws of the state in which the seminar is being presented.

Discussion of these “white-collar” exemptions usually concludes by 11:30 a.m. We wrap up discussion of exemptions with a discussion of several miscellaneous exemptions with significant potential application to public agencies, including discussion of the availability of those exemptions under state law, where applicable.

After discussion of exemptions, we review workweek or overtime period determination, compensatory time and compensatory time off, and overtime calculations applicable to public agencies, including discussion of both standard 40-hour overtime requirements applicable to most employees as well as alternative overtime periods permitted under federal law for firefighting and law enforcement personnel. We then discuss hours worked matters of concern to state and local government employers and public educational institutions, covering general principles plus specific applications to public agencies including off-duty care of a police dog, time spent attending training mandated by law for certification required by a public agency, 24/7 work scheduling for dispatch and other public agency employees, and other such matters.

We wrap up the discussion of wage and hour requirements with discussion of minimum wage requirements, discussing both federal minimum wage as well as applicable state and local minimum wages (often called “living wages”), then conclude with a discussion of recordkeeping requirements under federal and state wage-hour laws.

The period after the afternoon break, from around 2:30 to 2:45 p.m. to the concluding time of 4:30 p.m., is devoted to a review of the Family and Medical Leave Act (FMLA) and related state legislation, if any, with particular emphasis upon changes in regulatory requirements incorporated in new regulations which took effect on January 16, 2009.

Time is available for questions and discussion throughout the day, and the instructor can give participants individual attention during breaks, lunch or after the seminar is concluded.