

MIDDLE TENNESSEE STATE UNIVERSITY

POLICIES AND PROCEDURES MANUAL

POLICY NO.: IV:07:07

DATE: August 20, 2003

SUPERSEDES POLICY NO.: IV:07:07

DATED: December 17, 1998

SUBJECT: Compliance with The Fair Labor Standards Act

APPROVED: Sidney A. McPhee, President _____

SECTION I - INTRODUCTION

A. BASIS FOR THIS POLICY

A federal law, the Fair Labor Standards Act of 1938, as amended, is the basis for "standards" for minimum wages, overtime compensation, equal pay, child labor, and certain mandatory record keeping. This policy refers to the law as "the ACT" or "FLSA".

B. STATUS CLASSIFICATION

Persons employed in bona fide executive, administrative, or professional positions are exempt from the provisions of this policy. Persons employed in classified, hourly and student positions, with the exception of persons employed as farm workers, are covered by this policy and are categorized as non-exempt. The Human Resource Office is responsible for making the exempt or non-exempt determination of employees according to provisions of the ACT. Questions concerning the FLSA status of employees should be referred to the Human Resource Office. Similarly, any changes which affect the FLSA exempt or non-exempt status of an employee should be reported to the Human Resource Office.

SECTION II - WAGE AND HOUR POLICY

A. REQUIREMENTS

1. Minimum wage - the minimum wage for University employees covered by the Fair Labor Standards Act is currently \$5.15 per hour.
2. Record keeping - After payment is made from time records which have been certified as correct by department heads, the Human Resource Office will maintain those records for the periods necessary for compliance with the ACT and applicable state regulations.
3. Overtime work and payment for classified employees - MTSU Policy IV:07:03, Hours of Work, Classified Employees, specifies the definitions, policies and procedures for overtime work and payment in accordance with the ACT.

4. Overtime work and payment for student and hourly employees - the ACT requires that hours worked over 40 in a workweek be paid at one and one-half times the regular hourly rate of pay.

SECTION III - CHILD LABOR PROVISIONS

The FLSA contains provisions relating especially to child labor. They are summarized below.

- A. No person under the age of sixteen (16) may be employed by Middle Tennessee State University.
- B. Minors who are sixteen (16) or seventeen (17) may be employed only under condition prescribed below:
 1. This employment must not interfere with the minor's health or well-being.
 2. If the minor is enrolled in school, this employment may not be during those hours when the minor is required to attend class.
 3. A minor must have a 30-minute unpaid break or meal period if scheduled to work six (6) hours consecutively. However, this break or meal period may not occur during or before the first hour of scheduled work activity.
 4. Minors are prohibited from performing the following jobs which are deem hazardous:

Work performed in or about the storage area for explosives or potentially hazardous chemicals.

Driving a motor-vehicle.

Operating power-driven woodworking machines.

Work performed which would expose him/her to radioactive substances and to ionizing radiations.

Power driven metal-forming, -punching, and -shearing machines.

Power driven bakery machines.

Power driven paper products machines.

Power driven circular saws, band saws, and shears.

Wrecking, demolition, and ship breaking operations.

Roofing operations.

Excavation operations.

Operation of elevator and other power-driven hoisting apparatus.

Operation of packing, processing, or rendering.

The provisions of this policy shall not apply to any minor who:

is sixteen (16) or seventeen (17) years of age and are not enrolled in school, or is lawfully excused from compulsory school attendance under Tennessee Code Annotated, Section 49-6-3005.

Copies of documents to support this exception must be in the minor's personnel record maintained by the Human Resource Office.

This is the exemption covering the JTPA program:

A minor may be employed if he/she is an enrollee in a public employment program which is conducted or funded by the federal government, provided that the employer (JTPA director) has on file his/her personnel records an unrevoked written statement from a representative of the federal agency administering that program certifying the enrollment of said minor in the program.

Before any minor shall be employed, Middle Tennessee State University shall obtain from the minor a verification of age by requiring the minor to provide Middle Tennessee State University a copy of the minor's birth certificate, or other available evidence such as a baptismal certificate or passport. A valid verification of age shall be conclusive evidence of the age of the minor to whom it is issued. (See Appendix A)

Under certain official institution programs designed to attract students at an early age to the health sciences or other fields, individuals under the age of sixteen (16) may be employed in those educational programs on a semester or summer basis with written approval by the President or his/her designee. All prohibited activities specified in the Fair Labor Standards Act (FLSA) and those requirements of the State of Tennessee Child Labor Law must be observed.

APPENDIX A

MIDDLE TENNESSEE STATE UNIVERSITY

VERIFICATION OF AGE

Date

Name (Please print):

Last

First

Middle

Social Security Number: _____ - _____ - _____

Our school records show the date of birth of

Student's Name

to be _____ / _____ / _____.

Signature and Title

Name of School

School Address

Please return completed form to:

Director of Human Resources
Middle Tennessee State University
1301 East Main Street
Murfreesboro, TN 37132