

Updated Fair Labor Standards Act Notices for 2008 and 2009

In the last year, federal agencies released five new/ revised notices: the updated Fair Labor Standards Act notice (includes the scheduled 7/24/08 federal minimum wage increase), a revised DOL "Equal Employment Opportunity Is the Law" Notice (released 08/08), a new DOL Military Family Leave Notice (released 02/08) and two revised IRS notices. A violation of labor law posting requirements can lead to fines of up to \$17,000 per violation (29 USC §666(i)) and (29 USC §2005).

In addition to recent federal posting updates, state agencies are constantly updating their mandatory state postings, including a recent mandatory change to the Colorado Discrimination Law notice, which requires you to replace all out-of-date state posters.

Free copies of these forms and posters can be obtained by going to www.coworkforce.com/lab/quickguide.pdf and www.dol.gov/osbp/sbrefa/poster/matrix.htm. In some cases you may want to enlarge the posters.

What This Means For Counties

Failure to post these notices in the workplace may result in fines being assessed against a county by the U.S. Department of Labor or the Colorado Department of Labor.

Pay for Part-time Exempt Employees Disallowed

The U.S. Department of Labor (DOL) issued an opinion letter earlier this year, rejecting the concept of paying pro-rated salaries for part-time employees performing exempt work. The employer had asked whether it could pro-rate the minimum allowable salary of an exempt employee, paying just \$15,000 per year, to reflect a 20 hour per week part-time status. **The DOL said it could not.**

The minimum salary for a properly classified exempt employee is \$23,660 annually, which works out to \$455 per week, under federal law (Colorado's current minimum hourly wage is higher). Even a part-time "exempt" employee must be paid this amount. The employer's only alternatives are to pay the full \$23,660 to the part-time employee or to pay the employee on an hourly basis, with overtime as applicable.

What This Means For Counties

The conclusion reached in this opinion letter is based on the facts and circumstances described to the Fair Labor Standards Team. Counties may want to examine each individual situation that may seem similar and act accordingly.

For more information, contact CTSI at 303-861-0507.