

► Know the Law About Your Wages and Hours

As an hourly school employee, you're covered by important federal and state laws regulating your wages and hours worked.

Fair Labor Standards Act (FLSA)

This federal law sets a minimum wage that is currently (2013) \$7.25/Hour. Michigan minimum wage act has a higher minimum wage that is currently (2013) \$7.40/Hour. The FLSA regulates overtime pay and requires that all hours worked over 40 in a work week be paid at time and one half. Compensatory time (paid time off instead of overtime pay) is only provided if it is allowed by the union contract. The 40-hour rule applies to the total hours you work for the school in any one work week, even if it's in more than one classification. Sick and vacation days don't count as hours worked for FLSA overtime but may count under your union contract.

A school district has to follow these minimum requirements, but the law allows the association to bargain wages, holidays and overtime pay. For example, overtime pay could be for all hours over 8 rather than just over 40. Shift differential and longevity pay must be included in calculating the overtime rate. Talk to your association rep and/or UniServ director about what other rights your contract gives you. Your first remedy for violations is almost always to file a union grievance. Know how long you have to file a grievance under your union contract. FLSA violations can be filed two years after the occurrence with the U.S. Department of Labor but recovery could be less than under your local contract.

Michigan payment of wages and fringe benefits

This is an important state law that regulates how and when you are paid. Under this law, wages have to be paid within a certain length of time after you earn them – typically within two weeks of when earned. The law also keeps districts from deducting money from your paycheck without your agreement except when allowed by the union contract and in very limited situations like an overpayment, but then only if it is withheld within 6 months of the overpayment.

Talk to your association rep and/or UniServ director for more information or if you feel you may have a claim. There are time limits for making a claim.