



10-Minute Supervisor Trainings

Kentucky Soil and Water Conservation Commission

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LABOR LAWS

There are many laws on the state and federal level that regulate how employers treat their employees. This training contains points about several of the applicable federal laws. In addition to making sure that your conservation district is following the letter of the law, continue to make sure that your actions are defensible and ethical.

Fair Labor Standards Act:

- Covered, nonexempt workers must be paid at least \$7.25 per hour.
- Nonexempt workers must be paid at least time and a half for any hours over 40 in one workweek.
- District employees are "covered" because their work is "an activity of a public agency."
- "Exempt" employees are executive, administrative, and professional employees who make a salary at least \$455 per week (\$11.375 for a 40 hour workweek).
- Employers are required to keep records on wages, hours, deductions, personal information, etc.
- Employers are required to provide reasonable break time for a nursing mother employee to express milk for 1 year after birth. Employers are also required to provide a location for her to express that is shielded from view and free from intrusion by coworkers and the public. This place can not be the bathroom.
- Equal pay provisions with FLSA prohibit sex-based wage differentials between men and women who perform jobs that require equal skill, effort, and responsibility.

Wage Garnishment Law:

- No more than 25% of pay after legally required deductions (e.g., federal, state and local taxes; Social Security; unemployment insurance; and state employee retirement systems) have been made can be garnished UNLESS the garnishments are for child support, bankruptcy, or federal or state tax payments. Each of these garnishments have their own percentage limit.
- An employer can not dismiss an employee because their wages have been garnished for one debt.

Family and Medical Leave Act:

- Employees may take up to 12 weeks of unpaid job-protected leave each year, with maintenance of group health insurance (if applicable), for the birth and care of a child, placement of a child for adoption or foster care, care of a child/spouse/parent with a serious health condition, or for the employee's serious health condition.
- The employee must have been working for the employer for a year for this to be required.
- The employee can choose to take their paid leave (annual, sick, compensatory leave) concurrently if the employer approves.
- Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Civil Rights Act

- Title VII prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on the basis of race, color, religion, sex or national origin.

Americans with Disabilities Act

- Protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability.
- Requires employers provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

Age Discrimination in Employment Act

- Protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

Items of note:

- These labor standards are specifically chosen to highlight for the conservation district employees. They DO NOT NECESSARILY cover other employees you might have (farm hands, etc.).
- Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposed an unlawful employment practice is prohibited by Federal laws.
- Appropriate federal labor laws posters should be posted in the district offices.
- District supervisors should re-evaluate their employee handbooks to make sure they are in accordance with labor laws.

More Information:

- Handy Reference Guide to the Fair Labor Standards Act:
<http://www.dol.gov/whd/regs/compliance/wh1282.pdf>
- FLSA exemptions for executive, administrative, and professional employees:
http://www.dol.gov/whd/regs/compliance/fairpay/fs17a_overview.pdf
- Family Medical Leave Act factsheet: <http://www.dol.gov/whd/regs/compliance/whdfs28.htm>