

Fair labor standards act analysis essay

[Environment](#), [Air](#)



The Issue at hand is whether the employee should be compensated for the 36 hours of overtime associated with working out and conditioning and if on call time should be mounted as overtime as well. I believe that despite the fact that being a member of SWAT requires great conditioning, the time used at the gym should not count as hours worked and thus should not be paid out as overtime. The employer most likely used the primary duty test in which they determined the primary duty of the job is not exercising in the gym, but rather the field work that is done by the SWAT team.

There are five things an employer can do to ensure compliance with FLSA and avoid claims: 1. Clearly Communicate That Non-Exempt Employees Will Be Paid For All Time Worked; under the FLSA, non-exempt employees are entitled to be compensated for all work that the employer allows. The argument plaintiffs make in cases is that they did not record all of their time because they did not know that they were entitled to be compensated for all hours worked.

Such a policy will give employees notice that they have a right to be compensated for their services, even if no prior approval was received for overtime. 2. Clearly Communicate That Non-Exempt Employees Must Record All Time Worked; Many cases center on the claim that management directed or otherwise reassured employees not to record all of their working hours. By enforcing a policy that non-exempt employees must record all time worked, employees will be on notice that management cannot force them to work off the clock.

The employee must report all time worked even if the hours worked are not within the normal schedule. 3. Clearly Communicate That Non-Exempt Employees Must Receive Pre-Approval For Overtime; A policy requiring non-exempt employees to obtain pre-approval of overtime allows employers to enforce a pre-approval policy for overtime that will help discourage overtime work except where that work is genuinely appropriate and will decrease inflated claims of off-the-clock work. 4.

Clearly Communicate That Non-Exempt Employees Must Not Perform Any Work whatsoever During Breaks, Or Else Must Record It As Working Time; Employers should enforce a policy that non-exempt employees must not perform any work while on breaks and that if they perform work, they must record the time for the entire break as hours worked. The rationale is that if the employee was interrupted and still performed work, then the employee has not truly been relieved of all duties and intended to render services throughout their break.