

<p>U.S. Department of Labor Fair Labor Standards Act: <i>Provides information regarding rules and definitions for youth employment.</i></p>	<p>To Pay or Not to Pay: (When all 4 criteria are met, the employer is not required to pay)</p> <ul style="list-style-type: none"> - <i>The learning experience is a planned program of job training and work experience</i> - <i>Encompasses a sequence of activities that build upon one another, increase in complexity, and promote mastery of skills</i> - <i>Structured to expose students</i> - <i>Provides real or simulated tasks or assignments to develop higher order thinking and problem solving skills</i>
<p>FLSA Trainee: <i>The training is similar to what would be given in a vocational school, is for the benefit of the trainee and not the business, do not displace regular employees, work under close supervision, may not be entitled to a job after training; and the employer and trainee understand the trainee is not entitled to wages for time spent training.</i></p>	<p>DOL Field Operations Handbook, Chapter 64, Section 64c Employment Relationship: "Statement of Principle" – <i>The U.S. Departments of Labor and Education are committed to the continued development and implementation of individual education programs, in accordance with IDEA, that will facilitate the transition of students with disabilities from school to employment within their communities. This transition must take place under conditions that will not jeopardize the protections afforded by the FLSA to program participants, employers, or programs providing rehabilitation services to individuals with disabilities.</i></p>
<p>FLSA Internship: <i>Typically in the "for profit" private sector, similar to training given in an educational environment, is for the benefit of the intern, does not displace regular employees, works under close supervision of staff, employer derives no immediate benefit and on occasion may actually impede, not entitled to a job at the conclusion, is not entitled to wages for time spent.</i></p>	<p>Wage and Hour Division of DOL: <i>Will not assert employment status if 7 criteria are met. Participants are individuals with disabilities for whom competitive employment at or above minimum wage is not immediately attainable; participation consists of exploration, assessment, training or coop Voc Ed components; CBVI placement is with an IEP and statement of needed Transition Services; documentation to WH is provided upon request, activities at the CBVI site do not result in advantage to the employer, specific time limits exist for activities.</i></p>
<p>FLSA "Youth Wage": <i>Employers are allowed to pay a youth minimum wage of not less than \$4.25 an hour to employees who are under 20 years of age during the first 90 consecutive calendar days after initial employment.</i></p>	<p>Employment Relationships FOH 64c08(c) are presumed not to exist when each of these 3 components do not exceed the limits: (For students, limitations are for 1 school year) <i>Vocational Exploration: 5 hours per job experienced Vocational Assessment: 90 hours per job experienced Vocational Training: 120 hours per job experienced</i></p>
<p>FLSA Volunteers: <i>Donate their services, usually on a part-time basis, for public service, religious, or humanitarian objectives, not as employees and without contemplation of pay. Religious, charitable, or similar non-profit entities.</i></p>	<p>Sources: 29 CFR Part 570 – Child Labor Regulations; Department of Labor (DOL); Child Labor Provisions; Child Labor Bulletin 101; WH-1330 FLSA: Fact Sheet #71 Internship Programs FLSA: Fact Sheet #21 Recordkeeping Requirements Fair Labor Standards Act (FLSA) Advisor: Volunteers FLSA Advisor: Work Experience and Career Exploration Program FLSA Advisor: Independent Contractor elaws: http://webapps.dol.gov/elaws/whd/flsa Labor Guidance for Youth: youthrules.gov</p>
<p>FLSA Independent Contractors: <i>Is engaged in a business of his own, follows the usual path of an employee, and is dependent on the business he serves, and permanency is not part of the business relationship.</i></p>	<p>Supported Employment Definition (USC Title 29 Chapter 16: <i>Individuals... (ii) who, because of the nature and severity of their disability, need intensive supported employment services for the period, and any extension, and extended services after Transition to perform such work...§705-Definitions (39) support services, based on need, singly or in combination...</i></p>
<p>FLSA Exemptions Overtime, Minimum Wage, & Child Labor Laws <i>Youth employed by their parents (CL) Babysitters on a casual basis (MW & OT) Companions for the elderly (MW & OT)</i></p>	<p>WBL Documentation: WBL Activities; dates/times/earnings, Safety Training, Progress Reports, Observations and Data Collection (Quantitative and Qualitative), Performance Evaluations</p>
<p>July 2016, Rev.2017. Compiled by SHSU Garrett Center on Transition & Disability Studies; Huntsville, TX</p>	