

Fair Labor Standards Act (FLSA)

- Protects the rights, safety and wellbeing of workers in the US
- Covers wages, hours and overtime, compliance with child labor laws and record keeping requirements
- Monitored by the Department of Labor and Industries

Elements of a Work-Based (School-to-Work) Learning Experience by FLSA Definition:

- Is a planned program of job training and work experience for the student
- Encompasses a sequence of activities that build one upon the other
- Is structured to expose the student to all aspects of an industry
- Provides for real or simulated tasks or assignments.

When is a work-based learning work experience not employment?

A student enrolled in an approved school work-based learning program would not be considered an employee for FLSA purposes if ALL of the following criteria were met*:

- The student receives ongoing instruction at the employer's worksite and receives close on-site supervision throughout the learning experience so that any productivity is offset; and
- The placement of the student at worksite during the learning experience does not result in the displacement of any regular employee; and
- The student is not entitled to a job at the completion of the learning experience; and
- The employer, student, and parent/guardian understand that the student is not entitled to wages or other compensation for the time spent in the learning experience.

NOTE:

FLSA does not apply to activities such as workplace mentoring, job shadowing or field trips.