

HOT TOPIC Self-Audit Checklists

Avoiding Discrimination, Harassment and Retaliation Suits in connection with Employee Terminations

Avoiding Discrimination,
Harassment and Retaliation Suits
in connection with Employee
Terminations - Use this checklist
when adjusting staffing needs.

Bullying: A Real Threat to Your School District and All of Your Students!

Is your school district prepared
for dealing with the bullies in your
schools? With bullying (including
cyberbullying) incidents on the
rise, school districts are becoming
increasingly liable for these
incidents.

Are You Ready for Your ELL Program Investigation?

The federal government is
investigating compliance with
ELL requirements. Use the new
ELL Checklist to determine your
district's compliance.

Avoiding Sexual Harassment and Retaliation Claims Self-Audit Checklist

Protecting your school district
from hostile environment sexual
harassment is critical to risk
management. How well is your
school district informed about
these issues?

"WE WILL NOT REST UNTIL THE (FLSA)
IS FOLLOWED BY EVERY EMPLOYER..."

- U.S. LABOR SECRETARY HILDA SOLIS, SEPTEMBER 2009.



As Complaints & Enforcement goes up, SLRMA Members MUST ask:

Is Our School District in Compliance with FLSA?

Given the recent economic downturn, complaints under the Fair Labor Standards Act (FLSA) have continued to rise. The U.S. Department of Labor's Wage and Hour Division reported that the number of complaints filed under the FLSA increased by 10% between 2008 and 2009 and an additional 21% between 2009 and 2010. The 2010 complaints resulted in over \$175,000,000 in back wages collected from employers with more than \$113,000,000 of those back wages assessed as overtime wages.

Such fines and penalties under the FLSA have a devastating impact on the already overburdened budgets of school districts. In 2004, compliance under FLSA was the number one school board legal liability litigation risk. As a result, SLRMA created the FLSA Self-Audit Checklist to help

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Fair Labor Standards Act: Self-Audit Checklist for School District Employers, 2011 Update

On-Call Employees, Volunteers, Multiple-Position Employees

	Yes	No
Do any employees work in more than one non-exempt position on a full or part-time basis?	<input type="checkbox"/>	<input type="checkbox"/>
Do any employees "volunteer" to perform non-exempt work?	<input type="checkbox"/>	<input type="checkbox"/>
Do any employees also work for contractors of the school district?	<input type="checkbox"/>	<input type="checkbox"/>

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How is Overtime Being Controlled

Yes No

- Is prior permission from a supervisor required for an employee to work overtime?
- Does the school district have a policy concerning when overtime work is authorized?
- Does the school district have a policy concerning how overtime work is authorized?
- Does the school district have a policy notifying employees that disciplinary action will be taken for working unauthorized overtime?

How Should an Employee Performing Both Exempt And Non-Exempt Work be Classified?

Yes No

- Are the exempt duties, as compared to the non-exempt work, performed more important? (If the job exists primarily for the purpose of performing exempt duties, it is likely to be considered exempt.)
- Is more time spent performing exempt work than non-exempt work?

Volunteer Work

Yes No

- Has it been made clear to any employee who “volunteers” to perform additional work that the work is with pay?
- If the employee is paid to volunteer, is the employee paid a reasonable benefit?
- Has it been made clear to any employee who “volunteers” to perform additional work that the work is without pay?

Do Administrators Know Pay Policies, And Are They Enforced Appropriately?

Yes No

- Has the school district identified which administrators, managerial and/or supervisory employees enforce pay policies?
- Are such employees frequently trained on FLSA requirements?
- Do administrators consistently monitor compliance with and enforce such policies?
- Does the school district have a plan to address potential FLSA violations if they occur?

**This is a small sample of the updated FLSA Self-Audit Checklist
Log In to SLRMA.org and Download the Self-Audit Checklist in its entirety to use at your school district.**

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its members identify potential pitfalls with their own FLSA compliance. SLRMA members have made this checklist the number one downloaded document in the SLRMA Newsroom. Members utilize this vital tool to monitor their districts' compliance with the provisions of the FLSA.

SLRMA now is pleased to make the 2011 FLSA Self-Audit Checklist available for immediate download in the Special Reports and Checklists section of the SLRMA Newsroom. SLRMA anticipates that your school district will find this self-help guide immensely valuable and it will remain one of your district's “go to” guides. Inside this newsletter is a small excerpt from the 2011 FLSA Self-Audit Checklist to help your district determine its compliance with the FLSA.

Recent Dispatches in the Newsroom



Log In and Download the Recent Case Summaries that Impact Your School District and Find Out What You May Be Missing

Discipline Measures on Special Education Student by Teacher Leads to Court Action

4/11/2011 - Can treating one student different from all other students create potential liability for your school? The Federal Appellate Court addressing a Missouri case finds that schools will not always be able to use qualified immunity protection to shield them from equal protection claims. After a review of this case, your school district would benefit by reviewing the self-audit checklists on bullying, disciplining students with disabilities and ELL teaching to ensure your school is not violating equal protection standards.

Schools Retain Authority to Prohibit Students' Speech in School Sponsored Activity

5/18/2011 - Do you know when it is appropriate and not appropriate to control student speech at your school? In this recent decision, the Second Circuit Court of Appeals in New York determined that a high school appropriately prohibited the publication of a cartoon in its newspaper and did not violate the students' First Amendment rights.

Layshok v. Hermitage School District; J.S. v. Blue Mountain School District

6/13/2011 - (3rd Cir. June 13, 2011) (A Hogan Lovells Memorandum)

A new Hogan Lovells memorandum discusses two of the first federal appeals court decisions, issued on the same day, addressing when school administrators may punish students for off-campus speech through social media sites such as MySpace and Facebook. Log in to SLRMA.org today to learn how these companion cases could impact your school.

Content provided by:

FLIC

Federal Legislation
Insurance Committee



Dr. Jerry D. Weast
Superintendent
Montgomery County Public Schools
(Rockville, MD)



John R. Kment
Superintendent
Roseville Community Schools
(Roseville, MI)



Andrew Holmlund
Superintendent
Ronan School District
(Ronan, MT)



Maree F. Sneed
Partner
Hogan Lovells US, LLP
(Washington, D.C.)



Quintin Shepherd
Superintendent
Skokie & Morton Grove
Community Schools
(Skokie, IL)



Cheryl L. Sandner
COO and General Counsel
Brokers' Risk Placement
Service, Inc.
(Chicago, IL)



Christine Pecha
Senior Counsel
Brokers' Risk Placement
Service, Inc.
(Chicago, IL)

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William J. Perry – SLRMA
Chief Content Editor
Counsel
Brokers' Risk Placement
Service, Inc.
(Chicago, IL)

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Disciplining Students with Disabilities: A Self-Audit Checklist

Revisit this checklist to analyze
your school district's disciplinary
procedures for students with
special needs by logging into
SLRMA today.

