

FLSA Special Cases

Williams County

Complicated Designations at Williams Co

- Social Workers
- Law Enforcement
- Elected Officials
- Directors of Small Departments
- Election Workers
- Engineers
- Attorneys

Social Workers

- Williams County Designation: Non-Exempt
- Solis v. State of Washington DSHS (9th Cir. 2011) No. 10-35590
- Solis identifies that lack of educational prerequisites to meet the Professional Exemption
- Williams County converted Social Workers/Family Service Specialists to non-exempt
- Social Work Supervisors are Exempt

Law Enforcement

- Williams County Designation: Non-Exempt
- Special FLSA rules applied – sometimes called “The Garcia Ruling” also known as “Section 207(k) of the FLSA” – provides that employees engaged in fire protection or law enforcement may be paid overtime on a ‘work period’ basis. Work period must be set and may not be longer than 28 days. Overtime begins at 172 hours.
- Law enforcement or fire protection employees of an agency with fewer than 5 employees assigned to those duties can be exempt from overtime under the FLSA.

Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985)

Elected Officials

- Williams County Designation: Exempt
- Special rules applied
 - Do not track working hours
 - Do not accrue leave balances (sick, vacation, personal)
 - Only statutory limitations on absence and job abandonment

Directors of Small Departments

- Williams County Designation: Mixed Bag of Exempt and Non-Exempt
- Professional or Administrative Exemption
- Cost to pay overtime on Director-level wage vs. Cost of litigation if incorrectly classified
 - Veteran Service Officer – Non Exempt
 - Park/Weed Control Director – Non Exempt
 - Vector Control Director - Exempt

Election Workers

- Williams County Designation: Non-Exempt
- IRS requires that they be classified as employees, however...
- Special IRS Taxation Rules – Income is taxable but if the income is below \$600 annually no W-2 is required; wages must be included on quarterly tax reports
- <https://www.irs.gov/government-entities/federal-state-local-governments/election-workers-reporting-and-withholding>

Engineers

- Williams County Designation: Non-Exempt
- Professional Exemption could apply
- Nature of seasonal workload

Attorneys

- Williams County Designation: Exempt... mostly
- Professional Exemption
- Special 45-hour per week classification for Senior Attorney
- Hourly – with no overtime eligibility – for Civil Attorney