

USDOL Releases New FLSA Guidance for Higher Education Institutions

The U.S. Department of Labor just released a new [“Fact Sheet”](#) targeted specifically at higher education institutions and their compliance with the Fair Labor Standards Act.

This guidance provides new insight on several unsettled issues frequently discussed during the USDOL’s prior attempt to raise the minimum salary threshold for so-called “white collar” exempt employees. For example, the guidance provides that the “teaching professional” exemption may include faculty members who provide remote instruction to students. Specifically, the Fact Sheet states: “The exemption would therefore ordinarily apply, for example, to a part-time faculty member of an educational establishment whose primary duty is to provide instruction through online courses to remote non-credit learners.”

While the Fact Sheet provides helpful guidance on this and other topics, questions will remain with respect to the exempt status of other higher education positions. Colleges and universities must also remain mindful of any separate wage and hour requirements that may exist under state law, including any higher minimum salary requirements for exempt employees.

Notably, the Fact Sheet also indicates in a footnote that new rulemaking on the FLSA’s minimum salary requirement will be forthcoming. Readers will recall that the USDOL, under President Obama’s administration, attempted unsuccessfully to raise this salary threshold to \$913 per week. Although the USDOL is still enforcing a minimum salary requirement of \$455 per week under the FLSA, there are expectations that future rulemaking could set a new minimum threshold at around \$675 or so per week (or around \$35,000 annualized).

If you have any questions about this Information Memo, please contact [Andrew D. Bobrek](#), any of the [attorneys](#) in our [Labor and Employment Law Practice](#), or the attorney in the firm with whom you are regularly in contact.



Bond, Schoeneck & King PLLC (Bond, we, or us), has prepared this communication to present only general information. This is not intended as legal advice, nor should you consider it as such. You should not act, or decline to act, based upon the contents. While we try to make sure that the information is complete and accurate, laws can change quickly. You should always formally engage a lawyer of your choosing before taking actions which have legal consequences. For information about our firm, practice areas and attorneys, visit our website, www.bsk.com. • Attorney Advertising • © 2018 Bond, Schoeneck & King PLLC.

CONNECT WITH US ON LINKEDIN: [SEARCH FOR BOND, SCHOENECK & KING, PLLC](#)

FOLLOW US ON TWITTER: [SEARCH FOR BONDLAWFIRM](#)