

# Fair Labor Standards Act (FLSA) Self-Audit Checklist

The following checklist is intended as a general guideline for monitoring your employment policies and practices in an effort to minimize the company's exposure to violations of federal wage and hour laws. State or local laws may impose additional requirements on employers. This checklist is not intended to be legal advice. If legal advice or other expert opinion is required, you should consult with legal counsel regarding specific facts and circumstances.

	YES	NO
1. Are all positions within the company classified either exempt, non-exempt, independent contractor, etc.? Refer to <i>Categories of Employment</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>
2. Do all employees classified as "exempt" meet the requirements under one of the Executive, Administrative, Professional, Computer Employee, Outside Sales, or Highly Compensated employee exemptions of the FLSA? Refer to <i>Exempt Employee Status</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>
3. Do individuals classified as Independent Contractors qualify under the IRS Control Test, Common Law Control Test, and Economic Reality Test? Refer to <i>Independent Contractors</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>
4. Are non-exempt employees paid at least minimum wage for all hours worked? Refer to <i>Payday</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>
5. Are all non-exempt employees paid at least one and one-half times their regular rate of pay for hours worked over 40 hours in the workweek? Refer to <i>Overtime</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>
6. When calculating the regular rate of pay for overtime purposes, do you include non-discretionary bonuses, commissions, and other forms of remuneration not specifically excluded?	<input type="checkbox"/>	<input type="checkbox"/>
7. Are employees paid their wages as agreed upon by company policy and in accordance with applicable federal and state laws?	<input type="checkbox"/>	<input type="checkbox"/>
8. Are deductions from employees' wages made in accordance with applicable federal and state law? Refer to <i>Payday</i> and <i>Child Support Withholding/Garnishments</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the company take immediate action to correct any wage and hour violations and ensure that no retaliation has been taken against an employee for filing a complaint?	<input type="checkbox"/>	<input type="checkbox"/>
10. Are wage, hour, and other record requirements retained as established under the FLSA (29C.F.R. 516.2) for at least three years? Refer to <i>Recommended Record Retention Guide Under Federal Guidelines</i> , located in section 3.	<input type="checkbox"/>	<input type="checkbox"/>