

**MAINE COMMUNITY COLLEGE SYSTEM**

**PERSONNEL AND ADMINISTRATION  
Section 412**

**SUBJECT: WAGES, HOURS, OVERTIME, AND EMPLOYMENT OF MINORS**

**PURPOSE: To prescribe certain standards and procedures governing the wages and hours of Maine Community College System employees**

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**A. Purpose**

This policy states the MCCS commitment to comply with pertinent provisions of the Fair Labor Standards Act (FLSA).

**B. Definitions**

For purposes of this policy:

1. “Exempt Employee” means those individuals whose primary responsibilities are executive or administrative, and those individuals without a regular full-time teaching assignment whose primary duties and responsibilities require specialized training and/or high level administrative skills;
2. “Non-Exempt employee” means all other personnel whose positions are so defined by the FLSA; and
3. “Work week” means the standard 40-hour work week.

**C. Wage and Salary Administration**

MCCS shall develop classification and compensation plans for all employees.

**D. Determining Exemption Status**

Final authority for determining which employees are exempt or non-exempt under the FLSA is delegated to the MCCS human resources director. Such determinations shall be made by individually assessing each position pursuant to FLSA standards.

**E. Minimum Wage and Overtime**

MCCS shall pay no less than the required minimum wage to all MCCS employees, including student employees. MCCS shall also pay to non-exempt employees at least one and one-half times the employees' regular rates of pay for all hours worked over 40 hours in a work week.

**F. Equal Pay for Equal Work**

Pursuant to the Equal Pay Act of 1963, the MCCA prohibits wage differentials that are based upon gender between persons employed in the same establishment in jobs that require equal skill, effort and responsibility, and which are performed under similar working conditions.

**G. Employment of Minors**

MCCA shall comply with all provisions of law regarding child labor. Persons who are not at least 16 years of age may not be employed. Persons who are 16 or 17 years of age may be employed provided that:

1. The person is currently enrolled at least part-time as a community college student;
2. A college or System president approves the employment of each such person;
3. The colleges and System keep accurate daily records of all hours worked by such persons;
4. The position of employment does not, as required by law, involve a hazardous duty, danger to life or limb, or injury to health or morals. These requirements prohibit employing such persons to drive a vehicle and to work with machinery, with certain chemicals, at heights, and in a confined space. As applied to MCCA, these requirements effectively prohibit employment in a maintenance department or kitchen, but do allow employment in an office or clerical position; and
5. The employment complies with legal limitations on hours. These laws are very detailed, subject to change and should be consulted regularly. At the time this policy was last approved, Maine law required the following.

a. General Limitations

Persons who are 16 or 17 years of age cannot at any time work:

- 1) More than 6 days in a row;
- 2) Before 7 a.m. on a school (college or, if co-enrolled, high school) day;
- 3) Before 5 a.m. on a non-school day; and
- 4) After 10:15 p.m. the night before a school day (but the person can work up to midnight when there is no school the next day).

b. Additional Limitations

In addition to the *General Limitations* above, such laws also require the following.

1) School In Session

If the employment occurs when the person's college or high school is in session, the person cannot work:

- (a) More than 6 hours on a school day (but the person can work up to 8 hours on the last day of a school week);
- (b) More than 10 hours on any holiday, vacation, or school workshop day; and
- (c) More than 24 hours in a week, except that such a person may work 50 hours any week that approved school calendar is less than 3 days or during the first and last week of school calendar.

2) School Not In Session

If the employment occurs when the person's college or high school is *not* in session, the person cannot work:

- (a) More than 10 hours in any one day (including a weekend, holiday, vacation, or school workshop day); and
- (b) More than 50 hours in a week.

**H. Posting of Notices**

MCCS shall post notices pertaining to the applicability of the FLSA and, if required by state law, related state labor law requirements.

**I. Record Keeping**

MCCS shall keep all records and reports associated with salary and wage payments as required by federal and state law.

**J. Other**

Nothing in this policy shall be used as the basis for illegal discrimination against any individual or group.

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REFERENCES: 29 U.S.C. §201 et seq.; 20-A M.R.S.A. §12706(1) and (11); and 26 M.R.S.A. §772 and §774

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: May 3, 2013