



## DOL reinstates coach guidance

February 12, 2018

On January 5, 2018, the U.S. Department of Labor (DOL) reissued previously withdrawn guidance from 2009 regarding the application of FLSA to community members who serve as coaches for public school districts. See [FLSA2018-6](#). This guidance clarifies that community members who serve as coaches are exempt from the FLSA's minimum wage and overtime pay provisions under most circumstances. This exemption applies when the coach's primary duty is instructing student athletes in the rules and fundamentals of their respective sport. This exemption does not apply if the coach's primary duty is to perform clerical or administrative tasks for the school - including the recruitment of players to play sports, or performing manual labor - unrelated to teaching.

If this sounds familiar, it is because it is the same FLSA exemption that applies to teachers. Section 13(a)(1) of the FLSA and its implementing regulations exempt "any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment." 20 C.F.R. § 541.303(a). The original 2009 guidance issued by the U.S. Department of Labor, copied verbatim in [FLSA2018-6](#), made it clear that coaches fall into this exemption when their primary duty is instructing student athletes.

Importantly, this guidance expressly states that it does not apply to coaches who are simultaneously employed by the same school at which they coach in a position that is not otherwise exempt from the FLSA's overtime pay requirements.

Nonteaching, nonexempt employees of the District who also coach may not be exempt from the FLSA minimum wage and overtime provisions with regard to their coaching duties. Although teachers are specifically exempted from FLSA requirements, consult your legal counsel if you have questions about whether the FLSA may apply to a coach in a nonteaching position.

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# Authors

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**Nicole M. Donovanky**  
Partner

Columbus  
614.227.4866  
[ndonovsky@bricker.com](mailto:ndonovsky@bricker.com)