

## The Fair Labor Standards Act (FLSA)

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### Frequently Asked Questions

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## **OVERVIEW**

The Fair Labor Standards Act (FLSA), which prescribes standards for the basic minimum wage and overtime pay, affects most private and public employment. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. For nonagricultural operations, it restricts the hours that children under age 16 can work and forbids the employment of children under age 18 in certain jobs deemed too dangerous. For agricultural operations, it prohibits the employment of children under age 16 during school hours and in certain jobs deemed too dangerous. The Act is administered by the Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor.

## **COMPLIANCE ASSISTANCE MATERIALS**

### **BASIC INFORMATION**

- [Employment Law Guide - Minimum Wage and Overtime Pay](#) - Describes the minimum wage and overtime pay requirements.
- [General Information on the FLSA](#) - The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.
- [The Handy Reference Guide to the FLSA](#) - The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.
- [Questions and Answers About the Minimum Wage](#) - The federal minimum wage for covered nonexempt employees is \$5.85 per hour effective July 24, 2007; \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009. The federal minimum wage provisions are contained in the FLSA. Many states also have minimum wage laws.
- [Minimum Wage Rates for Each State](#)

- [YouthRules! Web Site](#) - Contains information for teens who have a job or are looking for a job; and for their parents, teachers, and employers.
- [U.S. Department of Labor's \(DOL\) FairPay Overtime Initiative](#)
- [Child Labor Requirements in Nonagricultural Occupations](#)
- [Child Labor Requirements in Agricultural Occupations](#)
- [Frequently Asked Questions Regarding Child Labor](#)
- [General Information from the Employment Standards Administration, Wage and Hour Division \(PDF\)](#).
- Filing a complaint - DOL's Wage and Hour Division manages complaints regarding violations of the various laws and regulations it administers. To file a complaint concerning one of these laws, contact your nearest [Wage and Hour Division office](#) or call the Department's Toll-Free Wage and Hour Help Line at 1-866-4-US-WAGE.

### **FACT SHEETS**

- [Topical Index](#) - Alphabetical listing of Wage and Hour Division fact sheets.

### **E-TOOLS**

- [Comprehensive FLSA Presentation \(Microsoft® PowerPoint®\)](#)
- [The FLSA: Executive, Administrative, and Professional Exemption Presentation \(Microsoft® PowerPoint®\)](#)
- [Fair Labor Standards Act \(FLSA\) Coverage and Employment Status Advisor](#) — Helps employers and employees understand and determine coverage under the FLSA.
- [Fair Labor Standards Act \(FLSA\) Hours Worked Advisor](#) — Helps employers and employees determine which work-related activities are considered "hours worked" and thus hours for which employees must be paid.
- [Fair Labor Standards Act \(FLSA\) Overtime Security Advisor](#) — Helps employees and employers determine whether a particular employee is exempt from the FLSA's minimum wage and overtime pay requirements.
- [Fair Labor Standards Act \(FLSA\) Section 14\(c\) Advisor](#) — Helps employers, employees and their family members understand FLSA Section 14(c), which authorizes employers, after receiving a certificate from DOL, to pay less than the federal minimum wage to workers who have disabilities for the work being performed.
- [Fair Labor Standards Act \(FLSA\) Child Labor Rules Advisor](#) — Helps young workers and their employers, parents, and educators understand the FLSA's child labor provisions, which dictate the hours youth can work and the jobs they may and may not perform.
- [Poster Advisor](#) — Helps employers determine which federal DOL posters they are required to display and print required posters free of charge.

### **POSTERS**

- [Fair Labor Standards Act \(FLSA\) Minimum Wage Poster](#) - Describes the requirement that every employer of employees subject to the FLSA's minimum wage and overtime provisions must post a notice explaining the Act. ([Español](#)) ([Chinese](#))

## **RECORDKEEPING**

Every employer covered by the Fair Labor Standards Act (FLSA) must keep certain records for each covered, nonexempt worker. There is no required form for the records, but the records must include accurate information about the employee and data about the hours worked and the wages earned. The following is a listing of the basic records that an employer must maintain:

- Employee's full name, as used for social security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
- Address, including zip code;
- Birth date, if younger than 19;
- Sex and occupation;
- Time and day of week when employee's workweek begins. Hours worked each day and total hours worked each workweek;
- Basis on which employee's wages are paid;
- Regular hourly pay rate;
- Total daily or weekly straight-time earnings;
- Total overtime earnings for the workweek;
- All additions to or deductions from the employee's wages;
- Total wages paid each pay period;
- Date of payment and the pay period covered by the payment.

## **APPLICABLE LAWS AND REGULATIONS**

- [The Fair Labor Standards Act of 1938 \(PDF\)](#) - Establishes minimum wages, overtime pay, record keeping, and child labor standards for private sector and government workers.
- [29 CFR Parts 510 to 794](#)

## **RELATED TOPICS AND LINKS**

- [Employment Law Guide - Prevailing Wages in Construction Contracts](#) - Requires contractors and subcontractors performing federally financed construction projects to pay their laborers and mechanics at rates not less than the prevailing wage rates and fringe benefits for corresponding classes of laborers and mechanics employed on similar projects in the area. **See also Compliance Assistance By Law - [The Davis-Bacon and Related Acts](#).**
- [Employment Law Guide - Prevailing Wages in Service Contracts](#) - Describes the coverage and basic requirements of the McNamara-O'Hara Service Contract Act (SCA). **See also Compliance Assistance By Law - [The McNamara-O'Hara Service Contract Act](#).**
- [Employment Law Guide - Wages in Supply & Equipment Contracts](#) - Describes the coverage and basic

requirements of the Walsh-Healey Public Contracts Act (PCA) for contractors with contracts in excess of \$10,000 for the manufacturing or furnishing of materials, supplies, articles, or equipment to the U.S. government or the District of Columbia. Covered contractors must pay employees on contracts the federal minimum wage of \$5.85 per hour effective July 24, 2007; \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009. **See also Compliance Assistance By Law - The Walsh-Healey Public Contracts Act.**

- Employment Law Guide - Hours and Safety Standards Act in Construction Contracts - Describes the Contract Work Hours and Safety Standards Act (CWHSSA) which requires contractors and subcontractors with covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 in a workweek. **See also Compliance Assistance By Law - The Contract Work Hours and Safety Standards Act (CWHSSA).**
- Employment Law Guide - "Kickbacks" in Federally Funded Construction - Prohibits a contractor or subcontractor from in any way inducing an employee to give up any part of the compensation to which he or she is entitled under his or her contract and requires contractors and subcontractors on certain federally funded construction contracts to submit weekly statements of compliance. **See also Compliance Assistance By Law - The Copeland "Anti-Kickback" Act.**
- YouthRules! Web Site - Contains information for teens who have a job or are looking for a job; and for their parents, teachers, and employers.
- **See also Compliance Assistance By Topic - Wages and Hours Worked.**

### **DOL CONTACTS\***

- **Wage and Hour Division**  
200 Constitution Avenue, NW  
Room S-3502  
Washington, DC 20210  
Contact WHD  
Tel: 1-866-4USWAGE (1-866-487-9243)  
TTY: 1-877-889-5627  
Local Offices
- **For questions on other DOL laws,**  
please call DOL's Toll-Free Help Line at 1-866-4-USA-DOL (1-866-487-2365). Live assistance is available in English and Spanish, Monday through Friday from 8:00 a.m. to 8:00 p.m. Eastern Time. Additional service is available in more than 140 languages through a translation service.  
Tel: 1-866-4-USA-DOL (1-866-487-2365)  
TTY: 1-877-889-5627

***\*Pursuant to the U.S. Department of Labor's Confidentiality Protocol for Compliance Assistance Inquiries, information provided by a telephone caller will be kept confidential within the bounds of the law. Compliance assistance inquiries will not trigger an inspection, audit, investigation, etc.***