

Fair Labor Standards Act

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As amended from the original developed by the

U.S. Department of Labor

Wage and Hour Division



U.S. Department of Labor
Employment Standards Administration



The Fair Labor Standards Act (FLSA) is the federal law of broadest application governing minimum wage, overtime pay, and youth employment. The Wage and Hour Division of the U.S. Department of Labor enforces the FLSA. In addition, the Wage and Hour Division also enforces:

- The Family and Medical Leave Act
- The Migrant and Seasonal Agricultural Worker Protection Act
- The Employee Polygraph Act
- The Garnishment Provisions of the Consumer Credit Protection Act
- The Davis-Bacon and Related Acts
- The McNamara-O'Hara Service Contract Act
- Temporary Worker Provisions of the Immigration and Nationality Act

For more information regarding these laws, call the Wage and Hour Division's toll-free line at 1-866-4USWAGE (1-866-487-9243). Information is also available on the Internet at www.wagehour.dol.gov.

Recordkeeping

An accurate record of the hours worked each day and total hours worked each week is critical to avoiding compliance problems



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See also: FLSA Section 11; 29 CFR 516 Records to Be Kept by Employers; Fact Sheet No. 021 Recordkeeping Requirements Under The Fair Labor Standards Act (FLSA).

Recordkeeping

The FLSA requires that all employers subject to any provision of the Act make, keep, and preserve certain records



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Recordkeeping

- Records need not be kept in any particular form
- Time clocks are not required



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Employers may use any timekeeping method they choose. For example, they may use a time clock, have a timekeeper keep track of employee's work hours, or tell their workers to write their own times on the records. Any timekeeping plan is acceptable as long as it is complete and accurate.

Payroll records, collective bargaining agreements, sales and purchase records must be preserved for at least three years. Records on which wage computations are based should be retained for two years, e.g., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages.

The records may be maintained and preserved in electronic format provided viewing equipment is available. The electronic version must also be clear and identifiable by date or pay period. Such records must be available at one or more of the employer's established central recordkeeping offices where such records are customarily maintained. The records shall be made available within 72 hours of notice from the Wage and Hour Division, which may ask the employer to make computations or transcriptions.

See also: 29 CFR 516.1(a) Records To Be Kept By Employers; Fact Sheet No. 021 Recordkeeping Requirements Under The Fair Labor Standards Act (FLSA).

Recordkeeping

Every covered employer must keep certain records for each non-exempt worker



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The following is a listing of the basic records that an employer must maintain:

1. Employee's full name and social security number.
2. Address, including zip code.
3. Birth date, if younger than 19.
4. Sex and occupation.
5. Time and day of week when employee's workweek begins.
6. Hours worked each day.
7. Total hours worked each workweek.
8. Basis on which employee's wages are paid (e.g., "\$9 an hour," "\$420 a week," "piecework")
9. Regular hourly pay rate.
10. Total daily or weekly straight-time earnings.
11. Total overtime earnings for the workweek.
12. All additions to or deductions from the employee's wages.
13. Total wages paid each pay period.
14. Date of payment and the pay period covered by the payment.

There are different or additional recordkeeping requirements for "white collar" exempt employees and for homeworkers, employees who receive board, lodging, and facilities, and those paid under certificates.

See also: 29 CFR 516 Records To Be Kept By Employers; Fact Sheet No. 021 Recordkeeping Requirements Under The Fair Labor Standards Act (FLSA).

Required Posting

Covered employers must post a notice explaining the FLSA, as prescribed by the Wage and Hour Division, in a conspicuous place



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29 CFR 516.4 Records To Be Kept by Employers

The official poster outlining the provisions of the Act is available at no cost by calling 1-866-4USWage (1-866-487-9243). This poster is also available electronically for downloading and printing at:

www.dol.gov/dol/osbp/public/sbrefa/poster/main.htm

Additional Information

- Visit the WHD homepage at:
www.wagehour.dol.gov
- Call the WHD toll-free information and helpline at
1-866-4US-WAGE (1-866-487-9243)
- Use the DOL interactive advisor system - *ELAWS*
(*Employment Laws Assistance for Workers and Small Businesses*) at: www.dol.gov/elaws
- Call or visit the nearest Wage and Hour Division Office



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