FAIR LABOR STANDARDS ACT

A Few Facts

Presented by

US Department of Labor • Wage and Hour Division
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MISSION: COMPLIANCE

To promote and achieve compliance with labor standards to protect and enhance the welfare of the nation’s workforce.

“The Fair Labor Standards Act is the most far-reaching, far-sighted program for the benefit of workers ever adopted in this or any other country.”

Franklin Delano Roosevelt
A LITTLE PERSPECTIVE

1938

• 10 bills failed before the 11th passed
• Signed into law on June 25, 1938
• Established the first minimum wage of 25¢ and overtime after 44 hours/week
• More than 5,000 complaints in the first 6 months

2018

• More than 20 amendments
• Overtime due after 40 hours/week
• Most recent update to minimum wage was in 2009: Increased to $7.25
• More than 143 million workers are protected by the FLSA (That’s almost every worker!)
• Over $322 million back wages recovered in 2019
HERE, THERE, EVERYWHERE

More than 200 offices nationwide
WHO AND HOW MANY

• Laws administered by WHD cover more than 9.8 million employers and 143 million workers
• Coverage based on engagement in interstate commerce
• Employees are protected regardless of immigration status
• More than half of investigators are bi-lingual
LAWS ENFORCED BY WHD

• Fair Labor Standards Act
• Family and Medical Leave Act
• Davis Bacon and Related Acts
• Service Contract Act
• Polygraph Protection Act
• Consumer Credit Protection Act: Wage Garnishment
• Labor Provisions for some Work Visa Programs
FLSA REQUIREMENTS

• Minimum Wage of $7.25 per hour for all time worked
• Tipped Employees: $2.13/hr cash wage + tips = $7.25
• Deductions may not cut into minimum wage or overtime pay
• Most training time is work time and must be paid
• Overtime=time and a half the regular rate after 40 hrs worked
FLSA DOES NOT REQUIRE

- Vacation, holiday, severance, sick pay
- Meal or rest periods, holidays off, vacations
- Premium pay for weekend or holiday work
- Discharge notice, reason for discharge
- Limit on number of hours or days employees 16 years or older may work
- Pay raises, fringe benefits
KNOWLEDGE CHECK

What did you learn?
WHAT DOES FLSA STAND FOR?

A. Federal Labor Support Association
B. Fair Labor Standards Act
C. Federal Labor Standards Act
D. Free Labor Suppression Act
WHAT DOES FLSA STAND FOR?

B. Fair Labor Standards Act
WHAT IS THE OFFICIAL SOURCE FOR STATUTORY & REGULATORY DOL INFORMATION?

A. Federal Register and the Code of Federal Regulations
B. United States Code
C. Neither A or B
D. Both A and B
WHAT IS THE OFFICIAL SOURCE FOR STATUTORY & REGULATORY DOL INFORMATION?

D. Both A and B

HOW MANY PROPOSED VERSIONS OF THE FLSA FAILED IN CONGRESS BEFORE THE FLSA WAS PASSED?

A. 4
B. 10
C. 11
D. 20
HOW MANY PROPOSED BILLS FAILED IN CONGRESS BEFORE THE FLSA WAS PASSED?

B. 10
WHAT YEAR WAS THE FLSA SIGNED INTO LAW?

A. 1922  
B. 1932  
C. 1938  
D. 1955
WHAT YEAR WAS THE FLSA SIGNED INTO LAW?

C. 1938
WHICH PRESIDENT SIGNED THE FLSA INTO LAW?

A. Herbert Hoover
B. Franklin D. Roosevelt
C. Harry S. Truman
D. Dwight D. Eisenhower
WHICH PRESIDENT SIGNED THE FLSA INTO LAW?

B. Franklin D. Roosevelt
HOW MUCH WAS THE FIRST MINIMUM WAGE?

A. 10¢
B. 25¢
C. 40¢
D. 75¢
HOW MUCH WAS THE FIRST MINIMUM WAGE?

B. 25¢
HOW MUCH IS THE CURRENT MINIMUM WAGE?

A. $1.25
B. $2.13
C. $4.25
D. $7.25
HOW MUCH IS THE CURRENT MINIMUM WAGE?

D. $7.25
WHAT IS THE MINIMUM WAGE FOR A TIPPED EMPLOYEE?

A. $2.13 wage + tips = $7.25/hour
B. $4.40 wage + tips = $7.25/hour
C. $2.13/hour wage
D. $7.25/hour wage
WHAT IS THE MINIMUM WAGE FOR A TIPPED EMPLOYEE?

A. $2.13 wage + tips = $7.25/hour
WHICH DOES THE FLSA REQUIRE?

A. Paid training/meeting time
B. 30 minute lunch break
C. Extra pay for working on holidays
D. Yearly pay raises
WHICH DOES THE FLSA REQUIRE?

A. Paid training/meeting time
WHEN IS AN EMPLOYEE DUE OVERTIME?

A. After working 8 hours/day
B. After working 80 hours/pay period
C. After working 40 hours/week
D. After working 44 hours/week
WHEN IS AN EMPLOYEE DUE OVERTIME?

C. After working 40 hours/week
KNOWLEDGE CHECK

How did you do?
FAIR LABOR STANDARDS ACT

Youth Employment

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FEDERAL CHILD LABOR RULES: PURPOSE

• Ensure that when young people work, the work is safe and does not jeopardize their health, well-being, or educational opportunities

• Serve as a platform from which young workers can explore the “World of Work” while attempting to limit some risk
FEDERAL CHILD LABOR RULES: REASONS

• EVERY YEAR, TENS OF THOUSANDS OF YOUTH UNDER THE AGE OF 18 ARE INJURED ON THE JOB IN AMERICA

• ABOUT 1/3 OF THOSE TYPICALLY SUFFER INJURIES SERIOUS ENOUGH TO REQUIRE EMERGENCY ROOM TREATMENT

• In 2017 (most recent statistic available), BLS reported 22 workplace fatalities for workers aged 17 and under
FEDERAL CHILD LABOR RULES DO NOT:

• Require minors to obtain work permits
• Limit hours or restrict time worked for minors 16 years of age or older
• Require breaks or meal periods for minors

STATE LAWS MAY DIFFER!
WHAT IF FEDERAL AND STATE LAWS ARE DIFFERENT?

Where Federal and State laws differ, the more protective standard applies.
The FLSA provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor declares to be particularly hazardous for 16- and 17-year-old persons or detrimental to their health and well-being.

Currently there are

17 Hazardous Occupations Orders
HO 1: MANUFACTURING OR STORING EXPLOSIVES

BANS YOUTH WORKING WHERE EXPLOSIVES ARE MANUFACTURED OR STORED.
HO 2: DRIVING OR OUTSIDE MOTOR VEHICLE HELPER

MINORS UNDER AGE 17 MAY NOT DRIVE ON PUBLIC ROADS AS PART OF THEIR JOB.
HO 2: DRIVING OR OUTSIDE MOTOR VEHICLE HELPER

• No employee under 17 may drive motor vehicles on public roads
• 17 year olds may drive under limited, occasional, incidental circumstances (daylight, less than 20% of work hours, seat belt use, drivers ed, etc.)
• Bans driving for delivery work
• Bans driving for route sales
• Bans driving that involves towing
• Bans driving of golf carts, ATVs, and motorcycles on public roads
• Prohibits the transportation of others
• Bans working as an outside helper on motor vehicles (riding on motor vehicles outside the cab for the purpose of assisting in transporting or delivering goods)
HO 3: COAL MINING

BANS MOST JOBS IN COAL MINING.
HO 4: LOGGING AND SAWMILLING

BANS MOST JOBS IN LOGGING, TIMBERING (INCLUDING CUTTING FIREWOOD), AND IN SAWMILLS.
**HO 5:**

**POWER DRIVEN WOODWORKING MACHINES**

BANS THE OPERATION OF MOST POWER DRIVEN WOODWORKING MACHINES, INCLUDING SAWS, STAPLING MACHINES, NAILING MACHINES, AND SANDERS.

*THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.*
HO 6: EXPOSURE TO RADIOACTIVE SUBSTANCES AND IONIZING RADIATION

BANS EXPOSURE TO RADIOACTIVE MATERIALS.
HO 7: POWER DRIVEN HOISTING APPARATUS

BANS THE OPERATION OF AND RIDING ON MOST POWER DRIVEN HOISTING APPARATUS SUCH AS FREIGHT ELEVATORS, BOBCATS, CHERRY PICKERS, BOOM TRUCKS, CRANES, SCISSOR LIFTS, AND MOST HIGH LIFT TRUCKS, INCLUDING FORKLIFTS.
HO 7:
POWER DRIVEN HOISTING APPARATUS

ALSO BANS OPERATING AND RIDING ON SMALLER HOISTS, SUCH AS THOSE USED FOR LIFTING PATIENTS IN NURSING FACILITIES AND HOSPITALS EXCEPT UNDER CERTAIN CONDITIONS.
HO 8: POWER DRIVEN METAL FORMING, PUNCHING, AND SHEARING MACHINES

BANS THE OPERATION OF CERTAIN POWER DRIVEN METAL WORKING MACHINES, INCLUDING ROLLING MACHINES, APRON BRAKES, AND DROP HAMMERS.

*THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.
HO 9: MINING, OTHER THAN COAL

BANS MOST JOBS IN MINING AT METAL MINES, QUARRIES, AND OTHER MINING SITES INCLUDING UNDERGROUND WORK IN MINES, WORK IN OR ABOUT OPEN CUT MINES, OPEN QUARRIES, CLAY PITS, AND SAND AND GRAVEL OPERATIONS.
HO 10: POWER DRIVEN MEAT PROCESSING MACHINES

BANS THE OPERATION OF POWER DRIVEN MEAT PROCESSING MACHINES, SUCH AS MEAT SLICERS, SAWS, AND MEAT CHOPPERS EVEN IF USED ON ITEMS OTHER THAN MEAT. ALSO BANS ALL OCCUPATIONS IN SLAUGHTERING, PROCESSING, AND PACKING.

*THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.
HO 11: POWER DRIVEN BAKERY MACHINES

BANS THE OPERATION OF POWER DRIVEN MACHINES SUCH AS VERTICAL DOUGH MIXERS, SOME BATTER MIXERS, DOUGH ROLLERS, AND DOUGH SHEETERS.
HO 12: POWER DRIVEN PAPER PRODUCTS MACHINES

BANS THE OPERATION OF PAPER PRODUCTS MACHINES, INCLUDING BALERS AND COMPACTORS.

16- AND 17-YEAR-OLDS CAN LOAD CERTAIN POWER-DRIVEN COMPACTORS AND BALERS

*THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.
HO 13: MANUFACTURING OF BRICK, TILE, AND RELATED PRODUCTS

BANS MOST INVOLVEMENT IN THE MANUFACTURE OF CLAY CONSTRUCTION PRODUCTS AND OF SILICA REFRACTORY PRODUCTS.
HO 14: POWER DRIVEN SAWS AND OTHER CUTTING MACHINES

BANS OPERATION OF VARIOUS TYPES OF POWER DRIVEN BAND SAWs, CIRCULAR SAWs, GUILLOTINE SHEARS, CHAIN SAWs, RECIPROCATING SAWs, WOOD CHIPPERS, AND ABRASIVE CUTTING DISCS, REGARDLESS OF THE ITEMS BEING CUT.

*THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.
HO 15: WRECKING, DEMOLITION, AND SHIP BREAKING

BANS ALL WORK PERFORMED AT THE SITE OF A BUILDING DEMOLITION, INCLUDING CLEAN UP AND SALVAGE WORK. ALSO BANS DISMANTLING OF A BUILDING, BRIDGE, STEEPLE, TOWER CHIMNEY, SHIPS, OR OTHER STRUCTURES.
HO 16: ROOFING

BANS ALL WORK IN ROOFING OPERATIONS, INCLUDING WORK PERFORMED ON THE GROUND OR IN CLOSE PROXIMITY TO THE ROOF.

* THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.
HO 17: EXCAVATION

BANS MOST JOBS IN TRENCHING AND EXCAVATION WORK, INCLUDING WORKING IN A TRENCH MORE THAN 4 FEET DEEP.

*THIS HO PROVIDES A LIMITED EXEMPTION FOR 16-AND 17-YEAR-OLDS WHO ARE BONA-FIDE STUDENT LEARNERS AND APPRENTICES.
KNOWLEDGE CHECK

What Work Can I Do at Ages 16-17?
ON OR ABOUT ROOFING

NO
CAR WASH ATTENDANT

YES
RETAIL SALES & SERVICE

YES
DEMOLITION

NO
PIZZA DELIVERY DRIVER

NO
CHAIN SAW

NO
COMMUNITY POOL LIFEGUARD

YES
GROCERY BAGGER

YES
CLERICAL WORKER

YES
DISHWASHER
YES
SERVER

YES
GOLF ATTENDANT

YES
EXCAVATION

NO
SCISSOR LIFT

NO
TUTOR

YES
DOUGH MIXER

NO
FORKLIFT NO
KNOWLEDGE CHECK

How did you do?
SPECIAL RULES FOR WORKERS UNDER 16

• 14 AND 15 YEAR OLDS
  • MAY WORK OUTSIDE SCHOOL HOURS AND FOR LIMITED PERIODS OF TIME; ONLY NON-
    MANUFACTURING, NON-HAZARDOUS JOBS, AND SPECIFIC CONDITIONS APPLY

• CHILDREN UNDER 14
  • WITH LIMITED EXCEPTIONS, NO EMPLOYMENT PERMITTED IN COVERED, NON-
    AGRICULTURAL OCCUPATIONS
14 AND 15-YEAR OLDS MAY WORK ONLY...

• UP TO 3 HOURS ON A SCHOOL DAY, INCLUDING FRIDAYS;
• UP TO 18 HOURS DURING A WEEK WHEN SCHOOL IS IN SESSION;
• UP TO 8 HOURS ON A NON-SCHOOL DAY;
• UP TO 40 HOURS DURING A WEEK WHEN SCHOOL IS NOT IN SESSION.
TIMES WHEN 14- AND 15-YEAR-OLDS MAY WORK

• BETWEEN 7 AM AND 7 PM; OR

• BETWEEN 7 AM AND 9 PM FROM JUNE 1 THROUGH LABOR DAY; AND

• OUTSIDE SCHOOL HOURS
JOBS 14 AND 15-YEAR OLDS CAN DO

IF AN OCCUPATION IS NOT SPECIFICALLY PERMITTED, IT IS PROHIBITED FOR YOUTH AGES 14 AND 15. JOBS THAT ARE ALLOWED INCLUDE:

• OFFICE AND CLERICAL WORK
• CASHIERING AND SELLING
• PRICE MARKING, ASSEMBLING ORDERS, PACKING
• BAGGING AND CARRYING OUT CUSTOMERS’ ORDERS
MORE ALLOWABLE JOBS...

• Errands and deliveries by foot, bike, bus or train

• Certain clean-up work and yard work

• Pumping gas and hand cleaning cars

• Kitchen work, preparing and serving food (but very limited cooking)
MORE ALLOWABLE JOBS...

MOST COOKING IS PROHIBITED, BUT 14- AND 15-YEAR-OLDS MAY:

• COOK WITH ELECTRIC OR GAS GRILLS THAT DO NOT ENTAIL COOKING OVER AN OPEN FLAME, AND

• COOK WITH DEEP FRYERS THAT ARE EQUIPPED WITH AND UTILIZE AUTOMATIC DEVICES THAT RAISE AND LOWER THE BASKETS IN AND OUT OF THE HOT OIL OR GREASE.
WORK 14 AND 15-YEAR-OLDS MAY NOT DO:

- MANUFACTURING AND MINING
- MOST PROCESSING OCCUPATIONS
- OPERATING POWER-DRIVEN EQUIPMENT
- TRANSPORTATION AND COMMUNICATIONS
- WAREHOUSING AND STORAGE
- CONSTRUCTION
WORK 14 AND 15-YEAR-OLDS MAY NOT DO:

- WORK IN OR ABOUT BOILER OR ENGINE ROOMS
- MAINTENANCE OR REPAIR OF A BUILDING OR EQUIPMENT
- WORK IN FREEZERS AND MEAT COOLERS
- OUTSIDE WINDOW WASHING
- BAKING
WORK 14 AND 15-YEAR-OLDS MAY NOT DO:

- Work involving power-driven food slicers and grinders, choppers or cutters and bakery mixers
- Loading and unloading goods to and from trucks, railcars or conveyors
- Work in areas where meats are prepared for sale
- All occupations declared to be hazardous for 16- and 17-year-olds
IF YOU'RE UNDER 14...

IF YOU ARE UNDER THE AGE OF 14, YOU ARE ONLY ALLOWED TO DO THE FOLLOWING JOBS:

• DELIVER NEWSPAPERS TO CUSTOMERS
• BABYSIT ON A CASUAL BASIS
• WORK AS AN ACTOR OR PERFORMER IN MOVIES, TV, RADIO, OR THEATER
• WORK AS A HOMEWORKER GATHERING EVERGREENS AND MAKING EVERGREEN WREATHS; AND
• WORK FOR A BUSINESS OWNED ENTIRELY BY YOUR PARENTS AS LONG AS IT IS NOT IN MINING, MANUFACTURING, OR ANY OF THE 17 HAZARDOUS OCCUPATIONS.

BE SURE TO CHECK YOUR STATE’S WORK LAWS, AS STATES HAVE DIFFERENT RULES AND EMPLOYERS MUST FOLLOW BOTH: HTTPS://WWW.DOL.GOV/AGENCIES/WHD/STATE
TIPS FOR YOUNG WORKERS

• Know your rights as an employee
• Know what you legally may and may not do
• Be aware of your surroundings
• Politely say “No” when asked to do something that is illegal or something you don’t feel you can do safely
GET MORE INFO

• www.YouthRules.dol.gov
• www.dol.gov/whd
• 1-866-487-9243 (1-866-4US-WAGE)