



## BASIC INFORMATION

current as of June 2012

The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing laws that establish minimally acceptable standards for wages and working conditions in this country, regardless of immigration status.

## FAIR LABOR STANDARDS ACT



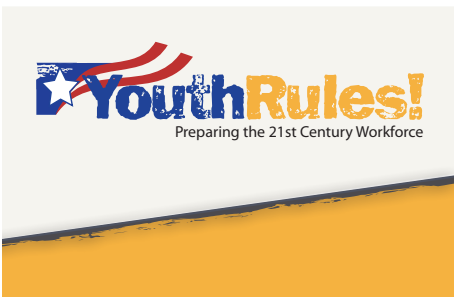
The Fair Labor Standards Act (FLSA) affects most private and public employment. The FLSA requires employers to pay covered non-exempt employees at least the federal minimum wage and overtime pay for all hours worked over 40 in a work week.

Covered employees must be paid for all hours worked in a workweek. In general, compensable hours worked include all time an employee is on duty or at a prescribed place of work and any time that an employee is suffered or permitted to work. This would generally include

work performed at home, travel time, waiting time, training, and probationary periods.

- Federal Minimum Wage: \$7.25 per hour effective July 24, 2009
- Tipped employees may be paid \$2.13 per hour; if an employee's tips combined with cash wage does not equal the applicable minimum wage, the employer must make up the difference
- Overtime after 40 hours in a week = 1 ½ times an employee's regular rate of pay

## CHILD LABOR



The FLSA also regulates the employment of youth.

Jobs Youth Can Do:

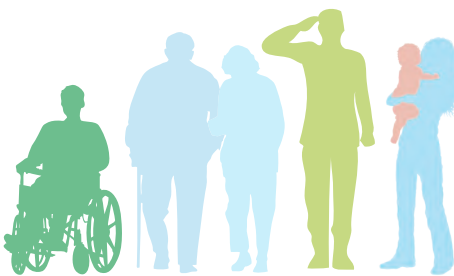
- 13 or younger: baby-sit, deliver newspapers, or work as an actor or performer
- Ages 14-15: certain permitted in such establishments as office work, grocery store, retail store, restaurant, movie theater, and amusement parks
- Age 16-17: Any job not declared hazardous
- Age 18: No restrictions

Hours Youth Ages 14 and 15 Can Work:

- After 7 am and until 7 pm (Hours are extended to 9 pm June 1–Labor Day)
- Up to 3 hours, including Fridays on a school day
- Up to 18 hours in a school week
- Up to 8 hours on a non-school day
- Up to 40 hours in a non-school week

**Note:** Different rules apply to youth employed in agriculture. States also regulate the hours that youth under age 18 may work. To find more information on federal or state rules, log on to [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

## FAMILY AND MEDICAL LEAVE ACT



The Family Medical and Leave Act (FMLA) applies to employers who employ 50 or more employees, public agencies, and elementary and secondary schools. Eligible employees are entitled to take unpaid, job-protected leave with continuation of group health insurance coverage for up to 12 workweeks in a 12-month period for:

- the birth and care of a newborn child;
- the placement and care of an child for

adoption or foster care;

- for the serious health condition of the employee or the employee's spouse, child, or parent;
- for qualifying exigencies arising out of a covered military member's covered active duty status.

And 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness.

## MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT



The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires farm labor contractors, agricultural employers, and agricultural associations who "employ" workers to:

- Pay workers the wages owed when due
- Comply with federal and state safety and

health standards if they provide housing for migrant workers

- Ensure that vehicles that they use to transport workers are properly insured, operated by licensed drivers and meet federal and state safety standards
- Provide written disclosure of the terms and conditions of employment

### CONTACT US:

1-866-4US-WAGE

### MORE INFORMATION AVAILABLE AT:

YOUTHRULES!: [WWW.YOUTHRULES.DOL.GOV](http://WWW.YOUTHRULES.DOL.GOV)

WHD WEBSITE: [WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

ELAWS: [WWW.DOL.GOV/ELAWS](http://WWW.DOL.GOV/ELAWS)

DOL WEBSITE: [WWW.DOL.GOV](http://WWW.DOL.GOV)