



U.S. Department of Labor  
Employment Standards Administration

(Revised July 2009)

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**

### Youth Employment

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: office work, grocery store, retail store, restaurant, movie theater, or amusement park
- 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 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 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:

- 1) the birth and care of a newborn child;
- 2) the placement and care of an child for adoption or foster care;
- 3) for the serious health condition of the employee or a spouse, child, or parent;
- 4) for qualifying exigencies arising out of a covered military member's National Guard or Reserve military service;

And **26 workweeks** of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness incurred in the line of duty.

### 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:

- 1) Pay workers the wages owed when due
- 2) Comply with federal and state safety and health standards if they provide housing for migrant workers
- 3) Ensure that vehicles that they use to transport workers are properly insured, operated by licensed drivers and meet federal and state safety standards
- 4) Provide written disclosure of the terms and conditions of employment

## Related Websites and Information

The Department of Labor (DOL) and WHD have developed the following tools to ensure that America's employers and workers have access to clear and accurate information and assistance – when and where they need it and in the format that suits them best.

### **elaws Advisors**

[www.dol.gov/elaws](http://www.dol.gov/elaws)

The elaws Advisors (Employment Laws Assistance for Workers and Small Businesses) are Web-based, interactive tools that help individuals understand federal employment laws. Each elaws Advisor mimics the interaction an individual would have with a DOL employment law expert by asking the appropriate questions and then providing answers based on the individual's response.

### **Toll Free Information Service**

**1-866-4US-WAGE (TTY: 1-877-889-5627)**

The Toll-Free Information Service is a central access point to information about employment standards that apply to workers in the U.S. This system is capable of assisting customers in any language through the use of outside contractors.

### **Wage and Hour Division Website and DOL Website**

[www.wagehour.dol.gov](http://www.wagehour.dol.gov) and [www.dol.gov](http://www.dol.gov)

WHD and DOL's Web sites provide America's employers and workers with access to a wide range of services and employment and regulatory information around the clock. These Web sites provide multiple ways to get information on employment laws and DOL programs, prioritizes access to resources based on customer needs and enables users to find the information they need easily and quickly.

### **YouthRules! Website**

[www.youthrules.dol.gov](http://www.youthrules.dol.gov)

The *YouthRules!* Web site provides a gateway to information on the Internet about the hours young people can work, the jobs they can do, and how to ensure safe work experiences.

### **E-Mail Response Service**

[www.dol.gov/dol/contact/index.htm](http://www.dol.gov/dol/contact/index.htm)

DOL's coordinated e-mail response service allows employers and employees to ask questions about employment and regulatory issues electronically. By choosing among a list of topics or internal DOL agencies under the "Contact Us" section of the DOL Web site, users are ensured that their question will go to the appropriate office and that they will receive an answer in a timely manner.