

FLSA-960

July 30, 1975

This is in reply to your letter of July 10, 1975, asking whether there is any Federal law regarding deductions from the wages of an employee because of absence due to the employee having to take time off from his job for National Guard Training.

The 1974 amendments to the Fair Labor Standards Act, effective May 1, 1974, extended the provisions of the Act to State and local government employees who were not previously covered. The enclosed leaflet, which you may wish to send to your constituent, summarizes the application of the Act's minimum wage and overtime pay provisions to such employees.

There is nothing in this law or any other Federal law which would require an employer to pay an employee for time which was not worked because the employee was away for National Guard Training. It would be illegal to make deductions from the wages paid for time actually worked by the employee to the extent that such deductions cut into the minimum wage or overtime compensation otherwise due the employee under the Act.

A copy of your letter has been referred to the Department's Office of Veteran's Reemployment Rights which will also reply to you on matters within their purview.

Sincerely,

Warren D. Landis
Acting Administrator
Wage and Hour Division

Enclosure