

**FLSA-870**

May 7, 1979

This is in reply to your letter of March 23, 1979, requesting an opinion concerning your client's overtime compensation plan.

Since you state that all nonexempt employees will be paid not less than time and one-half their regular rate of pay for all hours worked over 40 in a workweek, such a payment plan comports with the monetary provisions of the Fair Labor Standards Act.

The payroll period is from midnight Wednesday to midnight Wednesday and payment is made on a bi-weekly basis. Since work time must be submitted by Tuesday morning, you ask if you may project the work hours for Tuesday and Wednesday at 8 hours each and any overtime hours worked would be paid for in the subsequent pay period. You ask if such a payment plan is in accord with Fair Labor Standard Act requirements. The answer is that it is; see section 778.106 of 29 CFR Part 778, copy enclosed.

Sincerely,

Xavier M. Vela  
Administrator

Enclosure