

## FLSA-296

September 27, 1984

This is in response to your September 4 letter in which you ask several questions pertaining to the requirement that employers display the Federal Minimum Wage Poster in work areas. Your questions are answered in the order presented.

1. Q. #1. What law or regulation states that an employer must display a copy of this poster in a work area?

1. A. #1. Section 11(c) of the Fair Labor Standards Act (FLSA), the Federal law of most general application concerning wages and hours of work, requires employers to make, preserve and report from such records as the Secretary of Labor shall prescribe by regulation. FLSA's record keeping requirements are contained in Regulations, 29 CFR Part 516. Section 516.4 of the regulations requires every employer employing employees who are covered under FLSA to post and keep posted ... "such notices pertaining to the applicability of the Act, as shall be prescribed by the Wage and Hour Division, in conspicuous places in every establishment where such employees are employed ...."

Q. #2. Who is responsible for obtaining this poster and insuring that its contents are being complied with?

A. #2. Employers are responsible for obtaining and displaying the posters to insure that all employees are informed of their statutory rights.

Q. #3. If one decides not to display this poster, what is the penalty for not doing so?

1. A. #3. Failure to comply with the posting requirement would be violative of the record keeping requirements of FLSA. In this connection, the Secretary may obtain a court injunction to restrain any person from violating the law. In addition, employers who have willfully violated the law may face criminal penalties, including fines and imprisonment.

Q. #4. Who checks to insure that this poster is displayed and how often is this requirement checked?

1. A. #4. The Wage and Hour Division's enforcement of FLSA is carried out by compliance officers stationed throughout the country. The compliance officers have the authority to conduct investigations and gather data on wages, hours, and other employment conditions and practices in order to determine compliance with the Act. They are not required to previously announce the scheduling of an investigation or to disclose the specific reasons for such actions.

1. Q. #5. If one elects not to display the poster for a period of time, how long can a company operate before the poster must be displayed?
1. A. #5. As stated in #3 above, the Secretary may obtain a court injunction to restrain any person from violating the law.

Copies of FLSA and 29 CFR Part 516 are enclosed for your information.

If you have any additional questions regarding the provisions of FLSA, you may find it more convenient to contact our Wage and Hour Area Office in the Federal Center Building, Room 309, 212 East Washington Avenue, Madison, Wisconsin 53703, telephone: (608) 264-5221. The staff of that office will be pleased to assist you in any way possible.

Sincerely,

Stephanie R. Glyder, Chief  
Branch of FLSA Enforcement

Enclosures