

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

RECORD KEEPING REGULATIONS EASED BY WAGE AND HOUR DIVISION

Revision of the record keeping regulations under the Fair Labor Standards Act, to permit the maintenance of the required records at a central record keeping office on condition that such records shall be produced at the place or places of employment of any employees within 72 hours following notice from a Wage-Hour inspector, was made public today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor. (Federal Register, June 4, 1940.)

The new regulation, which becomes effective today, is promulgated to meet objections raised by some employers to the former requirement that where records are maintained at a central record-keeping office, certain abbreviated records shall be kept at the place of employment. The modification is in line with the policy of Colonel Fleming, announced at the time he assumed office, to ease technical requirements whenever this can be done without jeopardizing the rights of employees involved, or unreasonably increasing or delaying the work of the Wage-Hour inspectors and field force. Of course, any requirements by the States as to record keeping under State laws would not be affected by these regulations.

The record keeping regulations issued under the Act have the force and effect of law. Employers subject to the Fair Labor Standards Act are required to keep records containing the following information with regard to each employee:

Name in full. Home address. Date of birth if under 19. Hours worked each workday and workweek. Total wages paid each workweek. Date of payment.

When overtime is worked the records must also show: Regular rate of pay and basis upon which wages are paid. Wages at regular rate of pay for each workweek, not including overtime pay. Overtime wages paid for each workweek.

For employees who are exempt under the Act because of employment in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce, or employment in a bona fide executive, administrative, professional or local retailing capacity, or as outside salesman, it is necessary, although they are exempt from the wage and hour requirements, that records be kept showing: Name in full. Home address. Occupation.

There are special requirements for other records in cases where tips are credited as wages; for industrial home workers; where deductions are made from wages; and where collective bargaining agreements permit certain overtime concessions under Section 7(b)(1) or (2) of the Act. Details of these requirements are contained in Wage and Hour Regulations Part 516 and amendments thereto.

No particular order or form is prescribed for these records but it is required that the information specified be easily obtainable for inspection purposes.

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