

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington, D. C.

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

PART 516 - REGULATIONS ON RECORDS
TO BE KEPT BY EMPLOYERS PURSUANT TO
SECTION 11(c) OF THE FAIR LABOR
STANDARDS ACT

The following amendment to Regulations, Part 516 (Regulations on Records to be Kept by Employers Pursuant to Section 11(c) of the Fair Labor Standards Act of 1938) is hereby issued. This amendment amends Section 516.1 of said regulations (Records Required) with respect to the records required to be kept by employers whose employees are employed during any workweek at two or more different minimum rates of pay, and shall become effective upon my signing the original and publication thereof in the Federal Register and shall be in force and effect until repealed or modified by regulations thereafter made and published.

Signed at Washington, D. C., this 1st day of August, 1940.



Philip B. Floming
Administrator
Wage and Hour Division
U. S. Department of Labor

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Section 516.1 - RECORDS REQUIRED

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Provided further that with respect to any employee, subject to different minimum wage rates of pay one or more of which has been established by a wage order, who is paid an amount less than the highest applicable minimum wage rate for all hours worked in any workweek, employers shall keep and preserve a record for each workweek of the following additional information:

- (a) The minimum rate of pay required to be paid for each type of goods upon which each such employee has worked.
- (b) Each type of goods upon which each such employee has worked at a different minimum rate of pay.
- (c) The hours worked, or fractions thereof, by each such employee each workday and each workweek on each type of goods upon which he has worked at a different minimum rate of pay. Hours worked, or fractions thereof, on each type of goods shall include time from the commencement of work on such type of goods until work is commenced on another type of goods for which such employee must be paid at a different minimum rate of pay.
- (d) The piece rate, if any, for each operation upon each type of goods upon which each such employee works at a different minimum rate of pay and the number of pieces worked upon at such piece rates.
- (e) The piecework earnings, if any, on each type of goods upon which each such employee has worked at a different minimum rate of pay.
- (f) The lot number of each type of goods upon which each such employee has worked.
- (g) The total wages due the employee at straight time for the hours worked on each type of goods upon which each such employee has worked at a different minimum rate of pay, including the amounts earned in excess of the applicable minimum rates of pay.

Following the completion of the first month of keeping records in accordance with the foregoing provisions, every such employer may elect to keep records on this basis only if, in the event that he thereafter ceases or fails to do so for any workweek and later resumes the keeping of such records, he does so after a lapse of at least two months and gives written notice of such resumption to the Wage and Hour Division.

The foregoing provisions shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated (such as clerical and maintenance employees), and who are, therefore, not subject to different minimum wage rates of pay.