

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

INACTIVE

NEW PROCEDURE EXPEDITES WAGE-HOUR COMPLIANCE

Every employer against whom an allegation of violation of the Wage and Hour Law is filed, henceforth will receive a form which he is asked to fill out, giving information indicating his compliance with, or violation of, the Fair Labor Standards Act, it was announced today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor.

When the Division was set up and the law became effective on October 24, 1938 complaints were accepted and filed for future investigation. Starting with a force of less than 25 inspectors, and faced with an ever-mounting complaint load, the Division in many instances was unable to send an inspector to investigate a complaint for several months. Sometimes the firm had gone out of business, or the complaining employee had left its employ and could not be located, and many other changes and conditions intervened to make investigation of these "cold" complaints difficult, if not impossible.

"The use of the new form will have the effect of making each complaint a 'live' one, in that action will begin immediately with the filing of the charge," Colonel Fleming said.

"Each employer complained against will receive this form, AD-85, headed 'Information Respecting Compliance with the Fair Labor Standards Act of 1938'. This will serve to advise some employers, who have been inadvertently violating the law, of the existence of the Statute and its requirements. Accurately filled out, it will put the employer through a sort of 'examination of conscience' insofar as the Wage and Hour Law is involved. When he has completely filled out the form, he will know whether or not he is complying with the law.

"Should an employer thus discover that he has been violating the law, and he wants to come into compliance immediately and make restitution of back wages due his employees, every assistance will be given him by the nearest Wage and Hour office."

The form summarizes the requirements of the law with respect to minimum wages, overtime, record-keeping requirements, discrimination against employees making complaints and shipment of goods produced in violation of the law.

One part of the form is also designed to indicate immediately whether or not the firm is covered by reason of being engaged in interstate commerce or in the production of goods for commerce.

It clearly states that the information supplied in it to the Wage and Hour Division shall not affect in any way any cause of action arising under the Act. Neither does the submission of this information give the employer immunity in any action, civil, or criminal, that may be brought under the Act.

"In no case is this form being used as a substitute for physical or personal inspection of the books of the employer involved," Colonel Fleming said. "It is merely being used to expedite our inspection procedure and should prove of great value in this respect. Inspection will still be made at the faster rate made possible by our increased inspection force now totalling more than 700."

The form has been in use on an experimental basis in some parts of the country for more than a month. It has been submitted to 52 national trade associations, so that they may be able to advise their members, should any question arise concerning the use of the form or its purposes. In all of those contacted by the Division since the use of the form was inaugurated, there has been hearty approval of this new procedure.

The Fair Labor Standards Act requires that every employer shall keep records of wages and hours, and this has been covered in detail in regulations issued by the Administrator. At no time has the Division required employers to submit routine (or regular) reports of wages and hours to the Division, and the use of the new form is not intended as a step in that direction, Colonel Fleming explained.

The Division has recently cooperated with several large employer organizations in their campaigns to bring all of their members into compliance with the Wage and Hour Law. One such drive, now under way, is being carried on with the cooperation of the National Association of Independent Tire Dealers. The 9,500 members of this association have been sent balance sheets, upon which they can set up their transactions in such a way that they will readily reflect the answer to the question of whether or not that particular dealer is covered by the Fair Labor Standards Act and therefore must meet the wage and hour requirements in the Act.

A similar form has been prepared and distributed to the automobile dealers and to those engaged in slaughtering, packing and distributing meat.

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