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U. S. DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions
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PORTAL-TO-PORTAL ACT STATUTE OF LIMITATIONS PROVISIONS DISCUSSED

Not all employee actions for back wages under the Fair Labor Standards Act are restricted to the two-year Federal statute of limitations provision of the new Portal-to-Portal Act, which became effective May 14, 1947. Under the terms of the new Act, employee actions for back-wage claims which are commenced by September 11, 1947, may be controlled by longer periods, in accordance with varying State statutes of limitations.

This was pointed out today by F. Granville Grimes, Jr., Deputy Administrator of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor.

The Portal-to-Portal Act provides that claims which arose before May 14, 1947, and are not of the type specifically barred by the new Act, shall be governed by the prevailing State statute of limitations, if suit is started on or before September 11, 1947. However, if suits on such claims are commenced after September 11, they will be limited by the State statute or the new Act's two-year Federal statute, whichever is shorter.

The Deputy Administrator explained that the new Act's two-year limitation provision applies to all employee actions arising on or after May 14. Individual State statutes of limitations, whether providing for longer or shorter periods than two years, are not applicable with respect to employee claims arising on or after that date.

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