

MAR 10 1995

This is in response to your letter requesting an opinion concerning the application of the Fair Labor Standards Act (FLSA) to your client's proposed paperless time recording system.

You state that under the proposed system, employee time cards would be eliminated and employees would instead sign in and out by punching in number codes through the employer's telephone system. The dates and times of sign in and sign out would automatically be recorded on computers, and three times during each pay period the employer would post a printout listing by assigned employee number the recorded hours by date for each employee. Those postings would be placed in a central location and remain posted for four days so that employees could review and raise any discrepancies. The employer would then recycle the paper printouts and rely solely on the records stored in the computer database.

Please note that the FLSA places no restrictions on the system or method -- providing it is accurate -- by which employers may record time worked by employees. In this regard and based on the information provided, it is our opinion that your client's proposed paperless time recording system would not violate the requirements of the FLSA as long as it is an accurate representation of time worked and provided the employer is able to convert the data, or any part of it, into a form which is suitable for inspection.

This opinion is based exclusively on the facts and circumstances described in your request and is given on the basis of your representation, explicit or implied, that you have provided a full and fair description of all the facts and circumstances which would be pertinent to our consideration of the question presented. Existence of any other factual or historical background not contained in your request might require a different conclusion than the one expressed herein. You have also represented that this opinion is not sought on behalf of a client or firm which is under investigation by the Wage and Hour

Division, or which is in litigation with respect to, or subject to the terms of any agreement or order applying, or requiring compliance with, the provisions of the FLSA.

We trust that the above information is responsive to your inquiry.

Sincerely,

Daniel F. Sweeney
Deputy Assistant Administrator