

AUG 7 1995

This is in further response to your letter on behalf of
concerning whether
railroads are required to pay their employees overtime.

The Wage and Hour Division of the Department of Labor administers and enforces the Fair Labor Standards Act (FLSA). The FLSA is the Federal law of most general application concerning wages and hours of work. This law requires that all covered and nonexempt employees must be paid a minimum wage of \$4.25 an hour and not less than one and one-half times their regular rates of pay for all hours worked over 40 in a workweek. The FLSA is discussed in more detail in the enclosed "Handy Reference Guide to the Fair Labor Standards Act", which you may wish to send to your constituent.

Please note that section 13(b)(2) of the FLSA provides an overtime pay exemption for any employee of an employer engaged in the operation of a railroad subject to the provisions of Part 1 of the Interstate Commerce Act. This exemption would apply to your constituent's employer and, thus, would not have to be paid any additional compensation for working overtime in excess of 40 hours per week. Since the provisions of the FLSA are statutory, any change to address concern would require legislative action by the Congress.

We trust that the above information is responsive to your inquiry. If you have any further questions, please do not hesitate to contact us.

Sincerely,

Daniel F. Sweeney
Deputy Assistant Administrator

Enclosure