



Essential Workers Essential Protections



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

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1-866-487-9283

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Wage and Hour Division

Who we are



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Essential Protections



- Payment of minimum wages and overtime
- Youth employment standards
- Job protections for time taken for the birth of a child or caring for sick family members
- Housing and transportation standards for farm workers
- Payment of prevailing wage rates for federally funded construction and service contract work
- Standards for hiring and paying workers temporarily in the U.S under H-2A, H-1B and H-2B visas



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Achieving Compliance

- Investigations
- Outreach to workers
- Education for employers
- Partnerships



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WHD Bipartisan Infrastructure Law Webpage

Protections for Workers in Construction under the Bipartisan Infrastructure Law

Davis-Bacon and Related Acts
Final Rule: Increasing the Minimum Wage for Federal Contractors (Executive Order 14026)
Notice of Proposed Rule: Updating the Davis-Bacon and Related Acts Regulations
Protections for Workers in Construction under the Bipartisan Infrastructure Law
Construction Surveys
McNamara-O'Hara Service Contract

Overview



The Bipartisan Infrastructure Law, signed by the President on November 15, 2021, creates a historic investment in our nation's aging infrastructure. The Bipartisan Infrastructure Law will create an estimated 800,000 good-paying jobs that will expand the middle class, revitalize our nation's transportation, communications and utilities systems and build a more resilient, reliable, and environmentally sound future.

Infrastructure Projects Include Davis-Bacon Act Protections

Most of the construction projects funded or assisted through the Bipartisan Infrastructure Law will be subject to Davis-Bacon prevailing wage labor standards, and construction workers on these projects must be paid at least the locally prevailing wage and fringe benefits for the work they perform. This ensures that responsible contractors can compete for federally-funded or assisted construction contracts, and that the workers who will build our communities, ensure our safety, and improve our infrastructure receive fair wages.



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WHD Davis-Bacon and Related Acts General Guidance Webpage

Wage and Hour Division

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Davis-Bacon and Related Acts

General Guidance

- [Prevailing Wage Resource Book](#) (May 2015)
- [Contract Work Hours and Safety Standards Act Guide](#)
- [Apprenticeship Web site](#)
- [Davis-Bacon Wage Determination Conformance Request Guide, September 2021](#) (PDF)
- ELAWS Advisor: [Davis-Bacon Compliance Guide](#)
- [All Agencies Memoranda \(AAMs\)](#)
- [Contact the Branch of Construction Wage Determinations](#)
- Conformance and CBA Update public email address: WHD-CBACONFORMANCE_INCOMING@dol.gov



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Notice of Proposed Rules: Updating the DBRA Regulations Webpage

Notice of Proposed Rule: Updating the Davis-Bacon and Related Acts Regulations

Davis-Bacon and Related Acts
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McNamara-O'Hara Service Contract Act (SCA)
Walsh-Healey Public Contracts Act (PCA)



On March 11, 2022, the Department announced the publication of the proposed rule, “Updating the Davis-Bacon and Related Acts Regulations.” The Department proposes to amend regulations issued under the Davis-Bacon and Related Acts that set forth rules for the pre-determination of Davis-Bacon wage rates and the administration and enforcement of the Davis-Bacon labor standards that apply to federal and federally assisted construction projects.

The Department encourages interested parties to submit comments on this proposal by May 17, 2022. Anyone who submits a comment (including duplicate comments) should understand and expect that the comment, including any personal information provided, will become a matter of public record and will be posted without change to www.regulations.gov. WHD posts comments gathered and submitted by a third-party organization as a group under a single document ID number on www.regulations.gov, including any personal information provided.

Additional Information

- [Notice of Proposed Rule: Updating the Davis-Bacon and Related Acts Regulations](#)
- [News Release: For the First Time in 40 years, U.S. Department of Labor Proposes Rulemaking for Davis-Bacon Act to Reflect Needs of Today's Construction Industry](#)



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PREVAILLING WAGE SEMINARS



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Davis-Bacon Coverage

DBA

- Enacted in 1931
- Amended in 1935 and 1964
- Protects communities and workers from non-local contractors underbidding local wage levels

Coverage of the DBA

- Applies to contracts in excess of \$2,000 to which the Federal Government or the District of Columbia is a party for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works

DBRA

- Davis-Bacon (DB) requirements extend to numerous “related Acts” that provide federal assistance by
 - Grants
 - Loans
 - Loan guarantees
 - Insurance

DBRA Examples

- HUD financed construction of low-income housing projects
- The Federal Highway Administration provides grants to states for reconstruction of roads and bridges on Federal-aid highways

Davis-Bacon Labor Standards/Contract Stipulations

- The term “labor standards” means the requirements of:
 - The Davis-Bacon Act;
 - The Contract Work Hours and Safety Standards Act;
 - The Copeland Act;
 - Prevailing wage provisions of the Davis-Bacon and “related Acts”; and
 - Regulations, 29 CFR 1, 3, and 5.

Davis-Bacon Labor Standards (29 CFR 5.5)

- 5.5(a)(1) - Minimum wages
- 5.5(a)(2) - Withholding
- 5.5(a)(3) - Maintaining basic payroll records
- 5.5(a)(4) – Apprentices and trainees
- 5.5(a)(5) – Copeland Act compliance

Davis-Bacon Labor Standards

- 5.5(a)(6) - Subcontracts
- 5.5(a)(7) - Contract termination and debarment
- 5.5(a)(8) - Rulings and interpretations
- 5.5(a)(9) - Disputes concerning labor standards
- 5.5(a)(10) - Certification of eligibility

Davis-Bacon

Wage Determinations

- 1. Federal agency responsibility to identify.**
- 2. General wage determinations (WDs).**
- 3. Project WDs.**
- 4. Selecting proper WD.**
- 5. Interpreting wage determinations.**

Federal or Funding Agency Responsibilities

- **Ensure proper wage determination (WD) is identified and applied;**
- **Advise contractors which schedule of rates applies to various construction items; and**
- **Advise contractors regarding the duties performed by various crafts in the WD.**

Wage Determinations

- **General wage determinations.**
- **Project wage determinations.**

“General” WDs

- Issued for most counties for each major type of construction (building, heavy, highway and residential) nationwide.
- Official site for General Wage Determinations –
<https://sam.gov/content/home>
- May be used by Federal agencies without notifying the WHD.

Interpreting “General” WDs Conformance Process

- **Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).**

Criteria for Conformance Actions

- **The work to be performed by the proposed classification is not performed by a classification already in the wage determination (WD);**
- **The proposed wage rate must bear a reasonable relationship to WD rates; and**
- **The proposed classification is utilized in the area by the construction industry.**

Conformance Process Contracting Agency & Contractor

Pre-Bid/Pre-Award

- **Review the WD;**
- **Compare the WD with the project work;**
- **Anticipate needed classifications; and**
- **Apply key criteria.**

Conformance Process Contractor

After-Award:

- **Identify needed classes;**
 - At the pre-construction conference.
 - From certified payrolls.
- **Advise agency of the needed classification;**
- **Complete Contractor Part of SF-Form 1444.**
 - Apply Conformance Key Criteria.
- **Forward SF-Form 1444 to agency for review, signature, and submission to DOL.**

DBA/DBRA - Area Practice Surveys

- There are no nationwide standard classification definitions under the DBA
- To determine proper classifications for workers employed on a Davis-Bacon covered project, it may be necessary to examine **local area practice**



DBA/DBRA Compliance Principles

DBA/DBRA Compliance Principles

- Laborers and mechanics
- Site of the work
- Classification of Work
- Fringe Benefits
- Deductions
- Certified Payrolls

Laborers and Mechanics

- Workers whose duties are manual or physical in nature;
- Includes apprentices, trainees and helpers; and
- For CWHSSA, includes guards and watchmen.

Apprentices

- Persons individually registered in a bona fide apprenticeship program registered with DOL's Employment Training Administration (ETA) Office of Apprenticeship (OA) or a State Apprenticeship Agency recognized by OA.
- Individuals in their first 90 days of probationary employment as an apprentice in such a program.
- Regulations: 29 C.F.R. §§ 5.2(n)(1) and 5.5(a)(4)(i).

Trainees

- Persons registered and receiving on-the-job training in a construction occupation under a program approved in advance by DOL's Employment Training Administration (ETA).
- Regulations: 29 C.F.R. §§ 5.2(n)(2) and 5.5(a)(4)(ii).

Apprentices and Trainees

- Are laborers and mechanics; not listed on WDs.
- Permitted to work on covered projects and be paid less than the journey level WD rate when:
 - Individually registered in an approved apprenticeship or training program;
 - Paid the percentage of hourly rate required by the apprenticeship or training program;

Apprentices and Trainees

- Paid the FB's specified in approved program; if the program is silent, the full amount of FB's listed on the WD; and
- Are employed within the allowable ratio specified in approved program for the number of apprentices or trainees to journeymen.
 - Note: ETA apprenticeship regulations were revised in 2008; questions about portability of wages and ratios on DBA/DBRA covered projects may require careful consideration by WHD. *See* 29 C.F.R. § 29.13(b)(7).

Ratios

- “The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program.” 29 CFR 5.5(a)(4)(i)
- Compliance with the ratio is determined on a daily, not a weekly basis
- The use of fractions in computing the ratio is not permitted unless specified in the **approved** apprenticeship agreement.

Laborers and Mechanics

- Does not include:
 - Timekeepers, inspectors, architects, engineers; or
 - Bona fide executive, administrative, and professional employees as defined under FLSA.
- Working foremen are generally non-exempt:
 - must be paid the Davis Bacon (DB) rate for the classification of work performed if not 541 exempt.

Site of the Work

- Davis-Bacon applies only to laborers and mechanics employed “directly on the site of the work.”
- A three-part definition applies to determine the scope of the term “site of the work.”

Site of the Work Definition ¶1

- DBA applies only to workers “directly on the site of the work:”
 - The physical place or places where the construction called for in the contract will remain after work has been completed; and
 - Any other site where a **significant** portion of the building or work is constructed, *provided that* such site is established specifically for the contract.

Site of the Work Definition ¶2

- “Site of the work” also includes job headquarters, tool yards, batch plants, borrow pits, etc., *provided* they are:
 - Located adjacent or virtually adjacent to the “site of the work” described in paragraph 1; and
 - Dedicated exclusively or nearly so to the performance of the contract or project.
 - Except if they are excluded – see next slide

Site of the Work Definition ¶3

- “Site of the work” does not include a contractor’s or subcontractor’s:
 - permanent home office, branch locations, fabrication plants, tool yards, etc.;
 - whose location and continuance in operation are determined without regard to a particular covered project.

Definition ¶3 (Cont'd.)

- Also not included in the “site of the work” are:
 - Fabrication plants, batch plants, job headquarters, tool yards, etc., of a commercial supplier established by a supplier of materials:
 - Before the opening of bids for a project; and
 - Not located on the actual site of the work.
 - Such permanent, previously established facilities, are not part of the “site of the work,” even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

Truck Drivers

- Truck drivers of the contractor or subcontractor are covered by Davis-Bacon for time:
 - Spent working on the “site of the work;”
 - Transporting materials and supplies between a facility that is part of the “site of the work” and the actual construction site; or
 - Transporting portions of a building or work between a site where a significant portion of the project is being constructed and the physical place where the building or work will remain.

Wages & Fringe Benefits

- All laborers and mechanics employed or working upon the site of work must be paid at least the applicable prevailing wage rate for the classification of work performed, without regard to skill.

Wages & Fringe Benefits

- Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed.” 29 CFR 5.5(a)(1)

Wages & Fringe Benefits

- DBA: the terms “wages” and “prevailing wages” include:
 - The basic hourly rate (BHR);
 - Contractor contributions *irrevocably* made to a trustee or third party pursuant to a bona fide fringe benefit (FB) fund, plan, or program; and/or
 - The rate of costs the contractor reasonably anticipates in providing bona fide FB’s where certain conditions are met.

Wage & Fringe Benefits

- Under DBA, FB's are a component of the DBA “prevailing wage.”
- The prevailing wage obligation may be satisfied by:
 - Paying the BHR and FB in cash (including negotiable instruments payable on demand);
 - Contributing payments to a bona fide plan; or
 - Any combination of the two.

Wages & Fringe Benefits

- Must be paid weekly for all hours worked:
 - Unless the fringe benefits are paid into a bona fide FB plan and then contributions must be paid no less often than quarterly.
- Cash wages paid in excess of BHR may count to offset or satisfy the FB obligation (unlike under SCA).

Prevailing Wage Example

- **BHR** **\$14.00**
- **FB** **\$ 1.00**
- **Total prevailing wage** **\$15.00**

- **The contractor may comply by paying:**
 - **\$15.00 in cash wages**
 - **\$14.00 in cash wages plus \$1.00 for FB**
 - **\$12.00 in cash wages plus \$3.00 for FB**

Prevailing Wage Example

- An employee spent 32 hours working as an electrician, with a BHR of \$22.00 and an FBR of \$3.00, and 8 hours working as a laborer, with a BHR of \$14.00 and a FBR of \$1.00.
- The employee is due \$800.00 for his electrician work (32 hours X (\$22.00 + \$3.00)) and \$120.00 for his laborer work (8 hours X (\$14.00 + \$1.00)), for a total of \$920.00.
- The \$920.00 can be paid in any combination of cash wages and fringe benefit contributions.

Examples of Fringe Benefits

- Life Insurance;
- Health Insurance;
- Pension;
- Vacation;
- Holiday; and
- Sick Leave.

Funded Fringe Benefit Plans

- Contractors may take credit (without prior approval from DOL) for bona fide FB fund contributions made to third-party trustees or insurers that:
 - Are *irrevocably* paid; and
 - Are made regularly, not less often than *quarterly*.
- Credit is for payments made for individual workers eligible to participate in the plan, program, or fund.

Unfunded Fringe Benefit Plans

- Costs for an “unfunded” FB plan count towards WD obligation if specific criteria are met:
 - The contributions reasonably anticipate the cost to provide a bona fide FB;
 - Contributions are made pursuant to an enforceable commitment;
 - That is carried out under a financially responsible plan; and
 - The plan has been communicated in writing to affected workers.
 - The plan has been approved by WHD

Eligibility and Participation

- Employers may not take credit for contributions for employees who are not eligible to participate in the fringe benefit plan.
- Employers may take credit for contributions made on behalf of employees who are participants in a plan but are not yet eligible to receive benefits (for example, a health insurance plan with a 30 day waiting period for new participants)

Administrative Expenses

- The administrative expenses incurred by a contractor or subcontractor in connection with the administration of a bona fide fringe benefit plan are not creditable towards the prevailing wage under the DBA.

Annualization Principle

- Davis-Bacon credit is based on the effective annual rate of contributions for all hours worked in a year (both Davis-Bacon and non-Davis-Bacon work).
 - Davis-Bacon work may not be used as the exclusive or disproportionate source of funding for a benefit in effect during both covered and non-covered work.

Annualization –

Computing the creditable hourly rate

- Determine the hourly rate of contribution that is creditable towards a contractor's Davis-Bacon prevailing wage obligation by:
 - Dividing the total annual contributions by the total annual hours worked (both Davis-Bacon and non-Davis-Bacon work).

Annualization – Exception

Certain Defined Contribution Pension Plans

- An exception to annualization applies to:
 - Defined contribution pension plans that provide:
 - immediate participation; and
 - essentially immediate vesting (100% vesting after an employee works 500 or fewer hours).
- This exception allows full credit for the amount of contributions made on Davis-Bacon work.

Annualization – Example

- A firm's contribution for an employee's pension plan that does not provide for immediate vesting was computed at \$2,000 a year.
 - The employee worked 1,500 hours on a Davis-Bacon project and 500 hours on other jobs not Davis-Bacon covered.

Credit per hour: $\$2,000 / 2000 \text{ (hours)} = \1.00

Computing hourly fringe benefit equivalents creditable for contributions made weekly, monthly, quarterly, etc.

- In determining cash equivalent credit for fringe benefit payments, the period of time to be used is the period covered by the contribution.
 - If contributions are made weekly, cash equivalents should be computed weekly.
 - If contributions are made quarterly, cash equivalents should be computed quarterly, etc.

Computing the Hourly Equivalent Fringe Benefit Credit – Medical Insurance

- Employer provides medical insurance at \$200 per month to an electrician on a Davis-Bacon project. The WD requires \$16.00 plus \$2.50 in FB's, or \$18.50 an hour. Employee works 160 hours a month
 - $\$200/160 \text{ hours} = \1.25 credit per hour for the FB
 - No other benefit provided
 - Electrician is due: \$17.25 in cash wages per hour
($\$18.50 - \$1.25 = \$17.25$)

Deductions

- 29 CFR 3.5 lists deductions that an employer can make from the prevailing wage rate without the approval of the Secretary of Labor.
- Examples include Social Security and federal or state taxes, certain court-ordered payments, bona fide pre-payments of wages, certain payments of union dues, and voluntary charitable donations.

Deductions

- 29 CFR 3.6 generally provides that the Secretary may approve other deductions whenever all of the following conditions are met:
 - The contractor does not profit directly or indirectly from the deduction
 - The deduction is not otherwise prohibited by law
 - Either the employee voluntarily consented to the deduction in writing in advance of the time that the work was performed or the deduction is under the terms of a collective bargaining agreement
 - The deduction serves the convenience and interest of the employee

Payroll and Basic Records

- Payrolls and related basic records shall be maintained by the contractor during the course of the work and for three years thereafter for all laborers and mechanics working at the site of the work.
- Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. 29 CFR 5.5(a)(3)

Certified Payrolls - Continue

- Weekly payrolls must include specific information as required by 29 C.F.R. § 5.5(a)(3).
- Weekly payroll information may be submitted in any form desired.
 - Optional Form WH-347 is available for this purpose
 - The WH-347 form, with instructions, is at:
<http://www.dol.gov/whd/forms/wh347instr.htm>.

Certified Payrolls & Signatures

- The signature on each weekly “Statement of Compliance” may be either an original handwritten or an electronic signature
- A contracting agency or prime contractor may permit or require contractors to submit the weekly payrolls, each with the accompanying “Statement of Compliance” through an electronic system

Compliance Issues

- An investigation will generally identify and examine the following issues:
 - Are the correct contract clauses included in contract?
 - Does contract have the correct WDs?
 - Are the poster and WD, including any conformance actions, posted at the site or made available to employees?
 - Does the WD contain necessary classifications?

Compliance Issues (cont'd)

■ More investigation issues:

- Is a conformance necessary?
- Are employees properly classified?
- Are fringe benefits being properly paid?
- For DBA/DBRA, have apprenticeship and/or trainee requirements been met?
- Is “overtime” correctly paid under the FLSA or CWHSSA, if appropriate?
- Has employer kept accurate payroll records?

Conclusion of Investigation

- Compute any back wages or liquidated damages
- Inform contractor of investigation findings;
- Detail steps to eliminate violations;
- Consider additional evidence;
- Request payment of back wages; and
- Notify contracting agency of any liquidated damages under CWHSSA.

Debarment List

- The name(s) of the contractor and any responsible parties, along with the name of any firms in which they are known to have an interest, are placed on the list of ineligible persons or firms, which is distributed to federal agencies
- [This list is searchable online at the System Awards Management website](#)



FAIR LABOR STANDARDS ACT

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Fair Labor Standards Act



Essential Protections:

- Minimum wage: \$7.25 per hour
- Overtime at “time and one-half” for hours worked over forty in a workweek
- Recordkeeping requirements
- Prohibited youth employment
- Anti-retaliation provisions



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Major Provisions



[Coverage](#)



[Youth
Employment](#)



[Minimum Wage](#)



[Recordkeeping](#)



[Overtime](#)



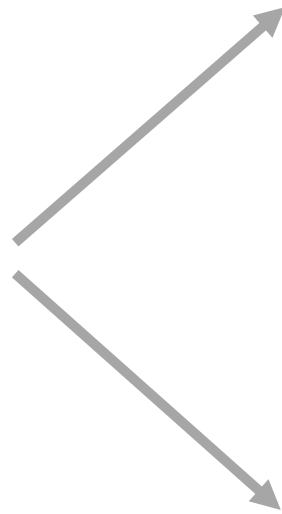
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Coverage



Two Types
of Coverage



Enterprise Coverage

Enterprise, as a whole, is covered and all employees are entitled to FLSA protections



Individual Coverage

Enterprise, as a whole, is NOT covered; however individual employees are covered and entitled to FLSA protections



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Minimum Wage

Rest and Meal Periods

- Short rest breaks (20 min or less) are compensable
- Bona fide meal periods (typically 30 minutes or more) need not be paid as hours worked
- Worker must be completely relieved of duty for meal period not to be compensable time.

Minimum Wage

Travel Time

- Ordinary home to work travel is *not* compensable work time
- Travel between job sites during normal work day *is* work time and thus compensable hours worked
- Special rules apply to travel away from employee's home community

Minimum Wage

Hours Worked Summary and Common Violations

- ***Suffered or Permitted:*** working “off the clock”
- ***Waiting Time:*** engaged to wait
- ***On-Call Time:*** not free from duty or employer control
- ***Meal and Rest Periods:*** not free from duty
- ***Training Time:*** unpaid training during work time
- ***Travel Time:*** unpaid travel between job sites
- ***Sleep Time:*** deduct for sleep in less than 24-hour shift

Overtime



- Compliance determined by workweek
- Each workweek stands alone
- Workweek is 7 consecutive 24-hour periods (168 hours)

Overtime

Regular Rate

- Determined by dividing total earnings in workweek (except for statutory exclusions) by total number of hours worked in workweek

Total Compensation (except for statutory exclusions)

÷

Total Hours Worked = RR

- *Regular Rate* may not be less than the applicable minimum wage
- *Total earnings include commissions, certain bonuses, and cost of room, board, and other facilities provided primarily for the employee's benefit*

Overtime

Discretionary Bonuses

- Discretionary bonuses may be excluded from the regular rate if **all** the following criteria are met:
 1. The employer has the sole discretion, until at or near the end of the period that corresponds to the bonus, to determine whether to pay the bonus;
 2. The employer has the sole discretion, until at or near the end of the period that corresponds to the bonus, to determine the amount of the bonus; and
 3. The bonus payment is not made according to any prior contract, agreement, or promise causing an employee to expect such payments regularly.
- Labels are not determinative.



Overtime

Regular Rate and Premium Pay for OT Hours

STEP 1: Total compensation paid in a workweek
(except for statutory exclusions) divided by
total hours worked in the
workweek

Total Compensation (except for statutory exclusions)

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Total Hours Worked = RR

STEP 2: $RR \times .5 =$ Half-time Premium Pay per OT Hour

STEP 3: (Half-time) Premium Pay Rate x Overtime Hours in
the Workweek = Overtime Compensation

Due



Overtime

Exercise: Production Bonus

Hourly Rate:	\$9.00	$\$432 + \$10.00 =$	\$442.00
Bonus per week:	\$10.00	$\$442.00 \div 48H =$	\$9.21 RR
Hours worked:	48	$\$9.21 \times .5 =$	
		\$4.61	
		$\$4.61 \times 8H =$	\$36.88
		OT	
Total compensation for week:			
$48H \times \$9.00 =$	\$432.00	$\$442.00 + \$36.88 =$	\$478.88

Overtime

Common Overtime Violations

- **Regular Rate:** Failure to include production bonuses, shift differentials, piece rates in determining the regular rate for calculating OT compensation due
- **Combined hours, rates for dual jobs:** Failure to combine all hours in dual jobs or multiple sites of single employer
- **Tipped Employees:** Failure to calculate correct cash OT payment

Overtime

Common Overtime Violations

- **“White Collar” Exemptions:** Misapplication of exemption, or improper assumption that all salaried employees are exempt
- **Deductions:** Improper deductions in OT weeks
- **Misclassification:** Improper treatment of employee as independent contractor
- **Hours worked:** Failure to record, pay for all hours worked
- **State Law:** Confusion between state and federal law

Exemptions

Exemptions

There are numerous exemptions from the minimum wage and/or overtime standards of the FLSA

One of the most common FLSA minimum wage and overtime exemptions is often called the “**541,**” “**white collar**” or “**EAP**” exemption

Exemptions

Three Tests for the “White Collar” Exemptions-

1. Salary Basis
2. Salary Level
3. Job Duties



FACT SHEET:
[Blue Collar
Workers](#)

Exemptions

Salary Level Test

For most employees the minimum salary level required for exemption is **\$684.00 per week.**

Executive Duties

No Changes

- Primary duty is management of the enterprise or of a customarily recognized department or subdivision
- Customarily and regularly directs the work of two or more other employees
- Authority to hire or fire other employees or recommendations as to the hiring, firing, advancement, promotion or other change of status of other employees given particular weight

Child Labor

In non-agricultural jobs...

- Minimum age of employment is 14
- Hours and occupations are restricted for 14- and 15-year-olds
- Hazardous occupations are prohibited for every covered worker under 18 years of age
- Some exceptions for minors working for their parents



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Online Resources



- Worker.gov
- Employer.gov



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

dol.gov/agencies/whd
1-866-487-9283

Online Resources

Elaws Advisors

- Coverage and employment status advisor
- Overtime calculator
- Overtime security advisor
- Hours worked advisor

dol.gov/elaws



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Contact Us

- Visit www.dol.gov/agencies/whd
- Call our toll-free information and helpline at 1-866-4US-WAGE (1-866-487-9243)



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FLSA Compliance Assistance

- [Fair Labor Standards Act of 1938](#)
- [Regulations](#)
- [FLSA Poster.pdf](#)
- [Handy Reference Guide.pdf](#)
- [Frequently Asked Questions \(FAQs\)](#)
- [Fact Sheets](#)
- [Opinion Letters](#)

Visit the WHD home page: www.dol.gov/agencies/whd

Compliance Assistance

- **Northern New England District Office**
- PHONE: 603-666-7716
- Web: www.dol.gov/agencies/whd

- Brian Cleasby, Community Outreach and Resource Planning Specialist
- Phone: 603-606-3116
- Email: cleasby.brian@dol.gov