Wage and Hour Division

Who we are
Protecting Your Rights to Pay and Leave
Enforcing Workplace Protections

• 10 million establishments nationwide and 148 million workers covered.

• More than 200 WHD offices throughout the country.

• More than 200 languages spoken.
Enforcement Regardless of Immigration Status

• Labor laws cover all workers, regardless of immigration status

• Protections apply regardless of immigration status

• WHD does not ask workers about their immigration status
Regional Outreach Events

- Planning more than 100 local outreach events
- Keep an eye out for more information about these events, including registration links
Ensuring Fair Pay

1.3 Million+ workers helped by WHD in the past five years. That’s more than the entire populations of Las Vegas, NV, Orlando, FL, and Cincinnati, OH, COMBINED.

$1.4 Billion+ in back wages recovered by WHD in the last five years.
Wage and Hour Division

What we do
Achieving Compliance

• Investigations
• Outreach to workers
• Education for employers
• Partnerships
Agency-Initiated Enforcement

• National and regional strategic enforcement initiatives focus on industries that employ essential workers
Education promotes compliance

- Education and outreach for workers to understand and exercise their rights
- Education and outreach for employers to increased compliance
Increasing Our Impact

- Collaborations and consultations
- Communities of Color
- Community-based organizations
- Worker Centers
- Unions

- Business associations
- Federal and state agencies
- Worker rights organizations
- Foreign consulates
Wage and Hour Division

We serve workers and employers
Essential Workers

- Agriculture
- Health Care
- Grocery
- Delivery Services
- First Responders
- Public Transportation
- Restaurant
- Construction
- Guards
- Hotel Workers
- Landscaping
- Janitorial Services
Risks for **Essential Workers**

- Low wages
- Work “off the clock”
- At-risk employment relationships (including misclassification)
- Increased exposure to a variety of workplace risks and hazards
- Denial of qualified leave
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
Essential Protections
Under the Fair Labor Standards Act
Fair Labor Standards Act (FLSA)

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
Hours Worked

• Hours worked per day and per workweek for the same employer

• Whether or not the employer counts the time as work time
Question:
My employer requires all employees to take their temperature related to COVID-19 before entering the job site. Do I need to be paid for the time spent taking my temperature?
Regular Rate of Pay

Gross Weekly Straight Time Pay

HOURLY RATE =  

Total Hours Worked Weekly
Regular Rate Example

50 hours @ $10.00 per hour

+ $100 bonus

$600 total compensation

$600/50 hours = Regular Rate of $12.00/hour

(Overtime needs to be based on $12.00/hour, not $10.00 hour)
Question:
I am an employee of a private employer that began paying me incentive payments, such as hazard pay, for working during the COVID-19 emergency. Do those incentive payments have to be included in the regular rate that is used to compute my overtime pay?
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
Child Labor

Hours Restrictions in **non-agricultural** jobs...

- Apply to 14- and 15-year-olds only
- Not during school hours
- No more than 3 hours on a school day or 8 hours on a non-school day
- No more than 18 hours during school weeks or 40 hours during non-school weeks
- Not before 7 a.m. and not after 7 p.m. except from June 1 to Labor Day when the time is extended until 9 p.m.
Question:

I am 15 years old. My school has physically closed due to COVID-19, but it would normally be in session. Am I permitted to work if I cannot physically go to classes?
Rest Breaks for Nursing Mothers

Section 7 of the FLSA was amended by the Affordable Care Act to provide nursing employees, for up to 1 year after the child’s birth, with:

• Reasonable break time to express breast milk
• A place, other than a bathroom, that may be used to express milk
Question:

Are nursing mothers entitled to reasonable break time and space to express milk while teleworking during the COVID-19 pandemic?
Essential Protections
Under the Family Medical Leave Act
Family and Medical Leave Act

Essential Protections:

- Twelve workweeks of unpaid leave per leave year for qualifying reasons
- Job protection
- Protection of benefits and status while on leave
- Return to the same or an equivalent position
Question:

Can an employee who is sick with COVID-19, or who is caring for a family member who is sick with COVID-19, take FMLA leave?
Tax Credits for Paid Sick Leave

• American Rescue Plan extended tax credits for employers through September 30, 2021
• Up to $12,000 per worker
• Visit IRS.gov for more information
Families First Coronavirus Response Act

- Provided paid leave for COVID-19 related reasons.
- Applied to leave taken between April 1, 2020 and December 31, 2020.
- If an employer failed to pay a worker as required, worker may still file a complaint for up to two years.
Essential Protections
For Agricultural Workers
Agricultural Workers

Essential protections:

• Disclosure of wages, safe transportation and housing, field sanitation requirements, and protection for H-2A non-immigrant workers.
• Toilets, potable drinking water, and hand-washing facilities to hand-laborers in the field.
• Payment of a required wage and minimum guaranteed hours for H-2A workers.
• Protections apply regardless of immigration status.
Question:
I live with other agricultural workers in employer-provided housing and I am worried about the spread of COVID-19. Are there rules about overcrowding?
Wage and Hour Division

How we can help
How to File a Complaint

- Complaints can be submitted by phone.
- Complaints can come from third parties.
- Complaints are confidential.
- WHD does not ask workers about their immigration status.
- No fee to file a complaint.
Who May File a Complaint?

- Employees – Former and Present
- Parent/Guardian
- School Officials
- Other Employers
- Advocacy Groups
- Other Agencies
Complaint Intake Information

**Employee’s name**
- Contact information
- Address and phone number
- Employee’s duties/work
- Circumstances or actions that caused potential violation of the law
- Copies of pay stubs or personal hours worked records if available

**Employer’s name**
- Point of contact
- Address and phone number

This information is not required, but helps develop the case
Workers owed back wages may be difficult to locate.

WHD searches for these workers.

“Workers Owed Wages” provides online access for workers and advocates to search our database.

www.dol.gov/wow
Online Resources

- Worker.gov
- Employer.gov
Online Resources

Elaws Advisors

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

[www.dol.gov/elaws]
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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