

Wage and Hour Division

Wages and the Fair Labor Standards Act

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Minimum Wage

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The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

- **FLSA Minimum Wage:** The federal minimum wage is \$7.25 per hour effective July 24, 2009. Many states also have minimum wage laws. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.
- **FLSA Overtime:** Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.
- **Hours Worked:** Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace.
- **Recordkeeping:** Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records.
- **Child Labor:** These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.

On October 13, 2022, the U.S. Department of Labor published a [Notice of Proposed Rulemaking \(NPRM\)](#) that proposes to revise the Department's guidance on how to determine who is an employee or independent contractor under the Fair Labor Standards Act (FLSA). The NPRM proposes to rescind the rule, Independent Contractor Status Under the Fair Labor Standards Act ([2021 IC Rule](#)), that was published on January 7, 2021, and replace it with an analysis for determining employee or independent contractor status that is more consistent with the FLSA as interpreted by longstanding judicial precedent. The Department believes that its proposed rule would reduce the risk that employees are misclassified as independent contractors, while providing added certainty for businesses that engage (or wish to engage) with individuals who are in business for themselves. More information about the rule can be found [here](#).

General Guidance

- [Handy Reference Guide to the FLSA](#)
 - [Guía Práctica Referente a la Ley de Normas Justas de Trabajo](#)
- [Fact Sheets](#)
- [Employment Law Guide: Minimum Wage and Overtime Pay](#)
- [Questions and Answers about the FLSA](#)
- [Information on Furloughs and Other Reductions in Pay](#)
- [Break Time for Nursing Mothers](#)
- ['How to File a Complaint' Card \(PDF\)](#)
 - [Spanish Version \(PDF\)](#)
 - [Chinese Version \(PDF\)](#)
 - [Korean Version \(PDF\)](#)
 - [Polish Version \(PDF\)](#)
 - [Tagalog Version \(PDF\)](#)
 - [Thai Version \(PDF\)](#)
 - [Russian Version \(PDF\)](#)
 - [Vietnamese Version \(PDF\)](#)
 - [Haitian Creole Version \(PDF\)](#)
- [FLSA Resources for Puerto Rico](#)
- [Misclassification of Employees as Independent Contractors](#)
- [Minimum Wage and Overtime Pay for Direct Care Workers](#)
- [Holiday Season Employment Information](#)
- [COVID-19 or Other Public Health Emergencies and the FLSA](#)

Posters

- [FLSA Minimum Wage Poster](#)
 - [Spanish Version](#)
 - [Chinese Version \(PDF\)](#)
 - [Russian Version \(PDF\)](#)
 - [Thai Version \(PDF\)](#)
 - [Hmong Version \(PDF\)](#)
 - [Vietnamese Version \(PDF\)](#)
 - [Korean Version \(PDF\)](#)
 - [Polish Version \(PDF\)](#)
 - [Haitian Creole Version \(PDF\)](#)
- [Additional FLSA Posters](#)

Interpretive Guidance

- [Administrator Interpretations](#)
- [Opinion Letters](#)
- [Field Handbook](#)
- [Field Bulletins](#)

E-tools

- The [Coverage and Employment Status Advisor](#) helps identify which workers are employees covered by the FLSA.
- The [Hours Worked Advisor](#) provides information to help determine which hours spent in work-related activities are considered FLSA “hours worked” and therefore must be paid.

- The [Overtime Security Advisor](#) helps determine which employees are exempt from the FLSA minimum wage and overtime pay requirements under the Part 541 overtime regulations.
- The [Overtime Calculator Advisor](#) computes the amount of overtime pay due in a sample pay period based on information from the user.
- The [Child Labor Rules Advisor](#) answers questions about the FLSA's youth employment provisions, including at what age young people can work and the jobs they can perform.
- The [Section 14\(c\) Advisor](#) helps users understand the special minimum wage requirements for workers with disabilities.

Presentations

- [Comprehensive FLSA Presentation \(Microsoft PowerPoint\)](#).
- [Executive, Administrative, and Professional Exemption Presentation \(Microsoft PowerPoint\)](#).

Applicable Laws and Regulations

Law

- [Fair Labor Standards Act](#)

Regulations

- [29 CFR Chapter V](#)

Civil Money Penalty Inflation Adjustments

Starting in 2016, agencies across the federal government must adjust their penalties for inflation each year. Below is a table that reflects the adjustments that have occurred for penalties under this statute. For more information on the penalty adjustments, go [here](#).

Civil Money Penalty Inflation Adjustments

Type of Violation	Statutory Citation	CFR Citation	Maximum Civil Monetary Penalty on or before 1/15/2023	Maximum Civil Monetary Penalty on or after 1/16/2023
Homeworker: Violation of recordkeeping, monetary, certificate or other statutes, regulations or employer assurances.	29 USC 211(d)	29 CFR 530.302	\$1,151	\$1,240
Child labor: (1) Violation of child labor standards (sec 212 or 213(c));	29 USC 216(e)(1)(A) (i)	29 CFR 570.140(b) (1) and 29 CFR 579.1(a)(1)(i)(A)	\$14,050	\$15,138
(2) Violation of child labor standards (sec 212 or 213(c)) that causes the serious injury or death of a minor;	29 USC 216(e)(1)(A) (ii)	29 CFR 570.140(b) (2) and 29 CFR 579.1(a)(1)(i)(B)	\$63,855	\$68,801
(3) Willful or repeated violation of child labor standards (sec 212 or 213(c)) that causes the serious injury or death of a minor	29 USC 216(e)(1)(A) (ii)	29 CFR 570.140(b) (2) and 29 CFR 579.1(a)(1)(i)(B)	\$127,710	\$137,602
(4) Repeated or willful violation of section 206 or 207.	29 USC 216(e)	29 CFR 579.1(a)(2)	\$2,203	\$2,374

Type of Violation	Statutory Citation	CFR Citation	Maximum Civil Monetary Penalty on or before 1/15/2023	Maximum Civil Monetary Penalty on or after 1/16/2023
(5) Violation of section 203(m)(2)(B)	29 USC 216(e)(2)	29 CFR 579.1(a)(2)(ii) and 29 CFR 578.3(a)(1)	\$1,234	\$1,330

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Wage and Hour Division

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