



**ALICIA HAFF JD**

WHOLE SOLUTIONS TO YOUR EMPLOYMENT CONCERNS

## Cheat Sheet

### FLSA RECORDKEEPING REQUIREMENTS (29 CFR Part 516)

#### **Non-Exempt Employees**

1. Full name and Social Security No.	2. Home address with zip code
3. Birthdate, if under 19 yrs of age	4. Sex and occupation
5. Time and day of week when employee's workweek begins**	6. Hours worked each day
7. Total hours worked each workweek	8. Basis on which wages paid (per hour, per week, piecework, commissions, sales etc)
9. Regular hourly pay rate	10. Total daily/weekly straight-time earnings
11. Total overtime earnings for workweek	12. All additions or deductions from employee's wages
13. Total wages paid per pay period	14. Date of payment and pay period covered by payment

#### **Exempt Employees**

1. Full name and Social Security No.	2. Home address with zip code
3. Birthdate, if under 19 yrs of age	4. Sex and occupation
5. Time and day of week when employee's workweek begins**	6. Total wages paid each pay period
7. Date of payment and pay period covered by payment	8. Basis on which wages are paid in sufficient detail to permit calculation for each pay period of employee's total pay for period including fringe benefits and prerequisites. (insurance payments; vacation accrual etc)

\*\* If all employees begin workweek at same time on same day, single notation will suffice (in employee handbook or employment contract – good place for this).

#### **How Long Should Records be Retained?**

Payroll records must be kept for three (3) years. These are basically all materials listed above other than records on which wage computations are based (time cards, work and time schedules and records of additions to or deductions from wages) which must be kept for two (2) years. All records must be made available to the DOL WHD within 72 hours of receipt of written request for review.

#### **Travel Time Issues**

Employers are often confused regarding what pay is owed to employees for "travel time." In general, whether travel time counts as hours worked when an employee travels overnight, depends on whether the travel occurs within the employee's normal work schedule. Travel time that occurs within the employee's normal work schedule is compensable. Travel on non work days (like weekends) also counts as hours worked if it occurs within the employee's normal work schedule.

As well:

- If an employee is required to attend meals, social events, etc., that time is counted as hours worked.
- Time spent waiting at the airport counts as hours worked if it occurs within normal work hours.
- Any work while traveling, which an employee is required to perform, is counted as hours worked (e.g., answering e-mails, taking business related phone calls.)

What is not compensable are regular meal periods and time spent sleeping or using time away for personal purposes. As well, travel between home and work or between hotel and worksite is considered normal commuting time and does not count as hours worked.

IF YOU HAVE QUESTIONS OR WOULD LIKE ADDITIONAL INFORMATION REGARDING THESE AND OTHER WAGE AND OVERTIME ISSUES, PLEASE CONTACT ME.