

FEDERAL PAYROLL NON-TAX LAWS AND REGULATIONS TABLE OF CONTENTS

WAGES AND HOURS

FAIR LABOR STANDARDS ACT (LAW)

U.S. Code, Title 29 – Labor

Chapter 8 – Fair Labor Standards

| | |
|---|----|
| 29 USC §201. Short title..... | 2 |
| 29 USC §202. Congressional finding and declaration of policy..... | 2 |
| 29 USC §203. Definitions..... | 2 |
| 29 USC §204. Administration..... | 4 |
| 29 USC §205. [Repealed]..... | 5 |
| 29 USC §206. Minimum wage..... | 5 |
| 29 USC §207. Maximum hours..... | 6 |
| 29 USC §208. [Repealed]..... | 10 |
| 29 USC §209. Attendance of witnesses..... | 10 |
| 29 USC §210. Court review of wage orders in Puerto Rico and the Virgin Islands..... | 11 |
| 29 USC §211. Collection of data..... | 11 |
| 29 USC §212. Child labor provisions..... | 11 |
| 29 USC §213. Exemptions..... | 12 |
| 29 USC §214. Employment under special certificates..... | 16 |
| 29 USC §215. Prohibited acts; prima facie evidence..... | 17 |
| 29 USC §216. Penalties..... | 18 |
| 29 USC §216a. [Repealed]..... | 19 |
| 29 USC §216b. Liability for overtime work performed prior to July 20, 1949..... | 19 |
| 29 USC §217. Injunction proceedings..... | 19 |
| 29 USC §218. Relation to other laws..... | 19 |
| 29 USC §218a. [Repealed]..... | 19 |
| 29 USC §218b. Notice to employees..... | 19 |
| 29 USC §218c. Protections for employees..... | 20 |
| 29 USC §219. Separability..... | 20 |

PORTAL-TO-PORTAL ACT (LAW)

U.S. Code, Title 29 – Labor

Chapter 9 – Portal-to-Portal Pay

| | |
|---|----|
| 29 USC §251. Congressional findings and declaration of policy..... | 21 |
| 29 USC §252. Relief from certain existing claims under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, and the Bacon-Davis Act..... | 21 |
| 29 USC §253. Compromise and waiver..... | 22 |
| 29 USC §254. Relief from liability and punishment under the Fair Labor Standards Act of 1938, the Walsh-Healey Act, and the Bacon-Davis Act for failure to pay minimum wage or overtime compensation..... | 22 |
| 29 USC §255. Statute of limitations..... | 22 |
| 29 USC §256. Determination of commencement of future actions..... | 23 |
| 29 USC §257. Pending collective and representative actions..... | 23 |
| 29 USC §258. Reliance on past administrative rulings, etc..... | 23 |
| 29 USC §259. Reliance in future on administrative rulings, etc..... | 23 |
| 29 USC §260. Liquidated damages..... | 23 |
| 29 USC §261. Applicability of “area of production” regulations..... | 23 |
| 29 USC §262. Definitions..... | 23 |

FAIR LABOR STANDARDS ACT (REGULATIONS)

Code of Federal Regulations, Title 29 – Labor

Chapter V – Wage and Hour Division, Department of Labor

29 CFR PART 515. UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS

| | |
|--|----|
| 29 CFR §515.1. Definitions..... | 25 |
| 29 CFR §515.2. Agreements with State agencies..... | 25 |
| 29 CFR §515.3. Qualifications of the State agency..... | 25 |
| 29 CFR §515.4. Submission of plan..... | 25 |
| 29 CFR §515.5. Additional requirements..... | 26 |
| 29 CFR §515.6. Audits..... | 26 |
| 29 CFR §515.7. Transmission of official mail..... | 26 |
| 29 CFR §515.8. Enforcement..... | 26 |
| 29 CFR §515.9. Agreements and approved plans..... | 26 |
| 29 CFR §515.10. Amendments and repeal..... | 26 |

29 CFR PART 516. RECORDS TO BE KEPT BY EMPLOYER

| | |
|---|----|
| 29 CFR §516.1. Form of records; scope of regulations..... | 26 |
|---|----|

Subpart A. General Requirements

29 CFR §516.2. Employees subject to minimum wage or minimum wage and overtime provisions pursuant to section 6 or sections 6 and 7(a) of the Act. 26

29 CFR §516.3. Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees employed pursuant to section 13(a)(1) of the Act. 27

29 CFR §516.4. Posting of notices. 27

29 CFR §516.5. Records to be preserved 3 years. 27

29 CFR §516.6. Records to be preserved 2 years. 27

29 CFR §516.7. Place for keeping records and their availability for inspection. 28

29 CFR §516.8. Computations and reports. 28

29 CFR §516.9. Petitions for exceptions. 28

29 CFR §516.10. [Reserved] 28

Subpart B. Records Pertaining to Employees Subject to Miscellaneous Exemptions under the Act; Other Special Requirements

29 CFR §516.11. Employees exempt from both minimum wage and overtime pay requirements under section 13(a) (2), (3), (4), (5), (8), (10), (12), or 13(d) of the Act. 28

29 CFR §516.12. Employees exempt from overtime pay requirements pursuant to section 13(b) (1), (2), (3), (5), (9), (10), (15), (16), (17), (20), (21), (24), (27), or (28) of the Act. 28

29 CFR §516.13. Livestock auction employees exempt from overtime pay requirements under section 13(b)(13) of the Act. 28

29 CFR §516.14. Country elevator employees exempt from overtime pay requirements under section 13(b)(14) of the Act. 28

29 CFR §516.15. Local delivery employees exempt from overtime pay requirements pursuant to section 13(b)(11) of the Act. 29

29 CFR §516.16. Commission employees of a retail or service establishment exempt from overtime pay requirements pursuant to section 7(i) of the Act. 29

29 CFR §516.17. Seamen exempt from overtime pay requirements pursuant to section 13(b)(6) of the Act. 29

29 CFR §516.18. Employees employed in certain tobacco, cotton, sugar cane or sugar beet services, who are partially exempt from overtime pay requirements pursuant to section 7(m), 13(h), 13(i) or 13(j) of the Act. 29

29 CFR §516.19. [Reserved] 29

29 CFR §516.20. Employees under certain collective bargaining agreements who are partially exempt from overtime pay requirements as provided in section 7(b)(1) or section 7(b)(2) of the Act. 29

29 CFR §516.21. Bulk petroleum employees partially exempt from overtime pay requirements pursuant to section 7(b)(3) of the Act. 30

29 CFR §516.22. Employees engaged in charter activities of carriers pursuant to section 7(n) of the Act. 30

29 CFR §516.23. Employees of hospitals and residential care facilities compensated for overtime work on the basis of a 14-day work period pursuant to section 7(j) of the Act. 30

29 CFR §516.24. Employees employed under section 7(f) “Belo” contracts. 30

29 CFR §516.25. Employees paid for overtime on the basis of “applicable” rates provided in sections 7(g)(1) and 7(g)(2) of the Act. 30

29 CFR §516.26. Employees paid for overtime at premium rates computed on a “basic” rate authorized in accordance with section 7(g)(3) of the Act. 30

29 CFR §516.27. “Board, lodging, or other facilities” under section 3(m) of the Act. 31

29 CFR §516.28. Tipped employees. 31

29 CFR §516.29. Employees employed by a private entity operating an amusement or recreational establishment located in a national park or national forest or on land in the National Wildlife Refuge System who are partially exempt from overtime pay requirements pursuant to section 13(b)(29) of the Act. 31

29 CFR §516.30. Learners, apprentices, messengers, students, or handicapped workers employed under special certificates as provided in section 14 of the Act. 31

29 CFR §516.31. Industrial homeworkers. 31

29 CFR §516.32. [Reserved] 32

29 CFR §516.33. Employees employed in agriculture pursuant to section 13(a)(6) or 13(b)(12) of the Act. 32

29 CFR §516.34. Exemption from overtime pay for time spent by certain employees receiving remedial education pursuant to section 7(q) of the Act. 32

29 CFR PART 519. EMPLOYMENT OF FULL-TIME STUDENTS AT SUBMINIMUM WAGES

Subpart A. Retail or Service Establishments, and Agriculture

29 CFR §519.1. Applicability of the regulations in this subpart. 33

29 CFR §519.2. Definitions. 33

29 CFR §519.3. Application for a full-time student certificate. 33

29 CFR §519.4. Procedure for action upon an application. 34

29 CFR §519.5. Conditions governing issuance of full-time student certificates. 34

29 CFR §519.6. Terms and conditions of employment under full-time student certificates and under temporary authorization. 34

29 CFR §519.7. Records to be kept. 35

29 CFR §519.8. Amendment or replacement of a full-time student certificate. 35

29 CFR §519.9. Reconsideration and review. 36

Subpart B. Institutions of Higher Education

29 CFR §519.11. Applicability of the regulations in this subpart. 36

29 CFR §519.12. Definitions. 36

29 CFR §519.13. Application for a full-time student certificate. 36

29 CFR §519.14. Procedure for action upon an application. 37

29 CFR §519.15. Conditions governing issuance of full-time student certificates. 37

29 CFR §519.16. Terms and conditions of employment under full-time student certificates and under temporary authorization. 37

| | |
|--|----|
| 29 CFR §519.17. Records to be kept..... | 38 |
| 29 CFR §519.18. Amendment or replacement of a full-time student certificate..... | 38 |
| 29 CFR §519.19. Reconsideration and review..... | 38 |

29 CFR PART 520. EMPLOYMENT UNDER SPECIAL CERTIFICATE OF MESSENGERS, LEARNERS (INCLUDING STUDENT-LEARNERS), AND APPRENTICES

Subpart A. [Reserved]

Subpart B. What are the General Provisions Governing the Employment of Messengers, Learners (Including Student-Learners), and Apprentices at Subminimum Wages?

| | |
|--|----|
| 29 CFR §520.200. What is the legal authority for payment of wages lower than the minimum wage required by section 6(a) of the Fair Labor Standards Act?..... | 38 |
| 29 CFR §520.201. How are those classifications of workers which may be paid subminimum wages under section 14(a) of the Fair Labor Standards Act defined?..... | 38 |
| 29 CFR §520.202. How do persons who want to apply for a particular certificate find out what is needed?..... | 39 |
| 29 CFR §520.203. What records does an employer have to keep when subminimum wage certificates are granted? How long do they have to be kept?..... | 39 |
| 29 CFR §520.204. If someone does not agree with the Department of Labor's decision on a certificate, can the decision be appealed?..... | 39 |
| 29 CFR §520.205. How do these rules affect other Federal, state and local laws and collective bargaining agreements?..... | 39 |

Subpart C. Definitions

| | |
|-----------------------------------|----|
| 29 CFR §520.300. Definitions..... | 39 |
|-----------------------------------|----|

Subpart D. Messengers, Learners (Excluding Student-Learners), and Apprentices

| | |
|---|----|
| 29 CFR §520.400. Who are messengers, learners, and apprentices?..... | 41 |
| 29 CFR §520.401. Are there any industries, occupations, etc. that do not qualify for a certificate to employ messengers, learners, or apprentices at subminimum wages?..... | 41 |
| 29 CFR §520.402. How do I obtain authority to employ messengers, learners, or apprentices at subminimum wages?..... | 41 |
| 29 CFR §520.403. What information is required when applying for authority to pay less than the minimum wage?..... | 41 |
| 29 CFR §520.404. What must I demonstrate in my application for a messenger, learner, or apprentice certificate to receive a favorable review?..... | 41 |
| 29 CFR §520.405. Must I notify my employees that I am applying for a certificate to employ messengers and/or learners at subminimum wages?..... | 42 |
| 29 CFR §520.406. What happens once I have submitted my request for authorization to pay messengers, learners, or apprentices subminimum wages?..... | 42 |
| 29 CFR §520.407. What is the subminimum wage for messengers and what must I do to comply with the terms of my certificate?..... | 42 |
| 29 CFR §520.408. What is the subminimum wage for learners and what must I do to comply with the terms of my certificate?..... | 42 |
| 29 CFR §520.409. When will authority to pay apprentices special minimum wages become effective and what is the special minimum wage rate?..... | 42 |
| 29 CFR §520.410. How long does a messenger, learner, or apprentice certificate remain in effect?..... | 43 |
| 29 CFR §520.411. Does a certificate authorizing payment of subminimum wages to messengers and/or learners remain in effect during the renewal process?..... | 43 |
| 29 CFR §520.412. What records, in addition to those required by Part 516 of this chapter and section 520.203 of this part, must I keep relating to the employment of messengers, learners, or apprentices under special certificate?..... | 43 |

Subpart E. Student-Learners

| | |
|---|----|
| 29 CFR §520.500. Who is a student-learner?..... | 43 |
| 29 CFR §520.501. How do I obtain authority to employ student-learners at subminimum wages?..... | 43 |
| 29 CFR §520.502. What information must an application to employ student-learners at subminimum wages contain?..... | 43 |
| 29 CFR §520.503. What must I demonstrate in my application for a student-learner certificate to receive a favorable review?..... | 44 |
| 29 CFR §520.504. When will authority to pay student-learners subminimum wages become effective?..... | 44 |
| 29 CFR §520.505. How will I be notified that my request to employ student-learners at subminimum wages has been denied and can I appeal the denial?..... | 44 |
| 29 CFR §520.506. What is the subminimum wage for student-learners and what must I do to comply with the terms of my student-learner certificate?..... | 44 |
| 29 CFR §520.507. How long does my certificate remain in effect?..... | 45 |
| 29 CFR §520.508. What records, in addition to those required by Part 516 of this chapter and section 520.203 of this part, must I keep when student-learners are employed?..... | 45 |

29 CFR PART 525. EMPLOYMENT OF WORKERS WITH DISABILITIES UNDER SPECIAL CERTIFICATES

| | |
|---|----|
| 29 CFR §525.1. Introduction..... | 45 |
| 29 CFR §525.2. Purpose and scope..... | 45 |
| 29 CFR §525.3. Definitions..... | 45 |
| 29 CFR §525.4. Patient workers..... | 46 |
| 29 CFR §525.5. Wage payments..... | 46 |
| 29 CFR §525.6. Compensable time..... | 46 |
| 29 CFR §525.7. Application for certificates..... | 46 |
| 29 CFR §525.8. Special provisions for temporary authority..... | 46 |
| 29 CFR §525.9. Criteria for employment of workers with disabilities under certificates at special minimum wage rates..... | 46 |
| 29 CFR §525.10. Prevailing wage rates..... | 46 |
| 29 CFR §525.11. Issuance of certificates..... | 47 |
| 29 CFR §525.12. Terms and conditions of special minimum wage certificates..... | 47 |
| 29 CFR §525.13. Renewal of special minimum wage certificates..... | 48 |

| | |
|--|----|
| 29 CFR §525.14. Posting of notices..... | 48 |
| 29 CFR §525.15. Industrial homeworkk..... | 48 |
| 29 CFR §525.16. Records to be kept by employers..... | 48 |
| 29 CFR §525.17. Revocation of certificates..... | 48 |
| 29 CFR §525.18. Review..... | 49 |
| 29 CFR §525.19. Investigations and hearings..... | 49 |
| 29 CFR §525.20. Relation to other laws..... | 49 |
| 29 CFR §525.21. Lowering of wage rates..... | 49 |
| 29 CFR §525.22. Employee's right to petition..... | 49 |
| 29 CFR §525.23. Work activities centers..... | 50 |
| 29 CFR §525.24. Advisory Committee on Special Minimum Wages..... | 50 |

29 CFR PART 528. ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF STUDENT-LEARNERS, APPRENTICES, LEARNERS, MESSENGERS, HANDICAPPED PERSONS, STUDENT-WORKERS, AND FULL-TIME STUDENTS IN AGRICULTURE OR IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGE RATES

| | |
|--|----|
| 29 CFR §528.1. Applicability of the regulations in this part..... | 50 |
| 29 CFR §528.2. Definition of terms..... | 50 |
| 29 CFR §528.3. Withdrawal and annulment of certificates..... | 50 |
| 29 CFR §528.4. According opportunity to demonstrate or achieve compliance..... | 50 |
| 29 CFR §528.5. Proceedings for withdrawal or annulment..... | 50 |
| 29 CFR §528.6. Review..... | 51 |
| 29 CFR §528.7. Effect of order of annulment or withdrawal..... | 51 |

29 CFR PART 530. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Subpart A. General

| | |
|---|----|
| 29 CFR §530.1. Definitions..... | 51 |
| 29 CFR §530.2. Restriction of homework..... | 52 |
| 29 CFR §530.3. Application forms for individual homeworker certificates..... | 52 |
| 29 CFR §530.4. Terms and conditions for the issuance of individual homeworker certificates..... | 52 |
| 29 CFR §530.5. Investigation..... | 52 |
| 29 CFR §530.6. Termination of individual homeworker certificates..... | 52 |
| 29 CFR §530.7. Revocation and cancellation of individual homeworker certificates..... | 53 |
| 29 CFR §530.8. Preservation of individual homeworker certificates..... | 53 |
| 29 CFR §530.9. Records and reports..... | 53 |
| 29 CFR §530.10. Delegation of authority to grant, deny, or cancel an individual homeworker certificate..... | 53 |
| 29 CFR §530.11. Petition for review..... | 53 |
| 29 CFR §530.12. Special provisions..... | 53 |

Subpart B. Homeworker Employer Certificates

| | |
|--|----|
| 29 CFR §530.101. General..... | 53 |
| 29 CFR §530.102. Requests for employer certificates..... | 54 |
| 29 CFR §530.103. Employer assurances..... | 54 |
| 29 CFR §530.104. Bonding or security payments..... | 54 |
| 29 CFR §530.105. Investigations..... | 54 |

Subpart C. Denial/Revocation of Homeworker Employer Certificates

| | |
|--|----|
| 29 CFR §530.201. Conflict with State law..... | 54 |
| 29 CFR §530.202. Piece rates — work measurement..... | 54 |
| 29 CFR §530.203. Outstanding violations and open investigations..... | 55 |
| 29 CFR §530.204. Discretionary denial or revocation..... | 55 |
| 29 CFR §530.205. Mandatory denial or revocation..... | 55 |
| 29 CFR §530.206. Special circumstances..... | 55 |

Subpart D. Civil Money Penalties

| | |
|---|----|
| 29 CFR §530.301. General..... | 55 |
| 29 CFR §530.302. Amounts of civil money penalties..... | 55 |
| 29 CFR §530.303. Considerations in determining amounts..... | 56 |
| 29 CFR §530.304. Procedures for assessment..... | 56 |

Subpart E. Administrative Procedures

| | |
|--|----|
| 29 CFR §530.401. Applicability of procedures and rules..... | 56 |
| 29 CFR §530.402. Notice of determination..... | 56 |
| 29 CFR §530.403. Request for hearing..... | 56 |
| 29 CFR §530.404. Referral to Administrative Law Judge..... | 56 |
| 29 CFR §530.405. General..... | 56 |
| 29 CFR §530.406. Decision and order of Administrative Law Judge..... | 57 |
| 29 CFR §530.407. Procedures for initiating and undertaking review..... | 57 |
| 29 CFR §530.408. Notice of the Secretary to review decision..... | 57 |
| 29 CFR §530.409. Final decision of the Secretary..... | 57 |
| 29 CFR §530.410. Special procedures..... | 57 |
| 29 CFR §530.411. Emergency certificate revocation procedures..... | 57 |
| 29 CFR §530.412. Alternative summary proceedings..... | 57 |
| 29 CFR §530.413. Certification of the record..... | 57 |
| 29 CFR §530.414. Equal Access to Justice Act..... | 57 |

29 CFR PART 531. WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Subpart A. Preliminary Matters

29 CFR §531.1. Definitions..... 58
29 CFR §531.2. Purpose and scope..... 58

Subpart B. Determinations of “Reasonable Cost” and “Fair Value” Effects of Collective Bargaining Agreements

29 CFR §531.3. General determinations of “reasonable cost.” 58
29 CFR §531.4. Making determinations of “reasonable cost.” 58
29 CFR §531.5. Making determinations of “fair value.” 58
29 CFR §531.6. Effects of collective bargaining agreements. 59
29 CFR §531.7. [Reserved] 59

Subpart C. Interpretations

29 CFR §531.25. Introductory statement. 59
29 CFR §531.26. Relation to other laws. 59

How Payments May Be Made

29 CFR §531.27. Payment in cash or its equivalent required. 59
29 CFR §531.28. Restrictions applicable where payment is not in cash or its equivalent..... 59
29 CFR §531.29. Board, lodging, or other facilities. 60
29 CFR §531.30. “Furnished” to the employee..... 60
29 CFR §531.31. “Customarily” furnished..... 60
29 CFR §531.32. “Other facilities.” 60
29 CFR §531.33. “Reasonable cost”; “fair value.” 60
29 CFR §531.34. Payment in scrip or similar medium not authorized. 60
29 CFR §531.35. “Free and clear” payment; “kickbacks.” 61

Payment Where Additions or Deductions Are Involved

29 CFR §531.36. Nonovertime workweeks..... 61
29 CFR §531.37. Overtime workweeks. 61

Payments Made to Persons Other Than Employees

29 CFR §531.38. Amounts deducted for taxes. 61
29 CFR §531.39. Payments to third persons pursuant to court order. 61
29 CFR §531.40. Payments to employee’s assignee..... 61

Subpart D. Tipped Employees

29 CFR §531.50. Statutory provisions with respect to tipped employees. 62
29 CFR §531.51. Conditions for taking tip credits in making wage payments..... 62
29 CFR §531.52. General characteristics of “tips.” 62
29 CFR §531.53. Payments which constitute tips. 62
29 CFR §531.54. Tip pooling..... 62
29 CFR §531.55. Examples of amounts not received as tips. 62
29 CFR §531.56. “More than \$30 a month in tips.” 63
29 CFR §531.57. Receiving the minimum amount “customarily and regularly.” 63
29 CFR §531.58. Initial and terminal months. 63
29 CFR §531.59. The tip wage credit. 63
29 CFR §531.60. Overtime payments..... 63

29 CFR PART 536. AREA OF PRODUCTION

29 CFR §536.1. [Reserved] 64
29 CFR §536.2. [Reserved] 64
29 CFR §536.3. “Area of production” as used in section 13(b)(14) of the Fair Labor Standards Act. 64

PART 541. DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, COMPUTER AND OUTSIDE SALES EMPLOYEES

Subpart A. General Regulations

29 CFR §541.0. Introductory statement. 64
29 CFR §541.1. Terms used in regulations. 65
29 CFR §541.2. Job titles insufficient. 65
29 CFR §541.3. Scope of the section 13(a)(1) exemptions..... 65
29 CFR §541.4. Other laws and collective bargaining agreements..... 65

Subpart B. Executive Employees

29 CFR §541.100. General rule for executive employees. 65
29 CFR §541.101. Business owner. 65
29 CFR §541.102. Management. 65
29 CFR §541.103. Department or subdivision. 66
29 CFR §541.104. Two or more other employees. 66
29 CFR §541.105. Particular weight..... 66
29 CFR §541.106. Concurrent duties. 66

Subpart C. Administrative Employees

29 CFR §541.200. General rule for administrative employees. 66
29 CFR §541.201. Directly related to management or general business operations. 67
29 CFR §541.202. Discretion and independent judgment. 67

| | |
|---|----|
| 29 CFR §541.203. Administrative exemption examples..... | 67 |
| 29 CFR §541.204. Educational establishments..... | 68 |
| Subpart D. Professional Employees | |
| 29 CFR §541.300. General rule for professional employees..... | 68 |
| 29 CFR §541.301. Learned professionals..... | 69 |
| 29 CFR §541.302. Creative professionals..... | 70 |
| 29 CFR §541.303. Teachers..... | 70 |
| 29 CFR §541.304. Practice of law or medicine..... | 70 |
| Subpart E. Computer Employees | |
| 29 CFR §541.400. General rule for computer employees..... | 70 |
| 29 CFR §541.401. Computer manufacture and repair..... | 71 |
| 29 CFR §541.402. Executive and administrative computer employees..... | 71 |
| Subpart F. Outside Sales Employees | |
| 29 CFR §541.500. General rule for outside sales employees..... | 71 |
| 29 CFR §541.501. Making sales or obtaining orders..... | 71 |
| 29 CFR §541.502. Away from employer's place of business..... | 71 |
| 29 CFR §541.503. Promotion work..... | 71 |
| 29 CFR §541.504. Drivers who sell..... | 72 |
| Subpart G. Salary Requirements | |
| 29 CFR §541.600. Amount of salary required..... | 72 |
| 29 CFR §541.601. Highly compensated employees..... | 72 |
| 29 CFR §541.602. Salary basis..... | 73 |
| 29 CFR §541.603. Effect of improper deductions from salary..... | 74 |
| 29 CFR §541.604. Minimum guarantee plus extras..... | 74 |
| 29 CFR §541.605. Fee basis..... | 74 |
| 29 CFR §541.606. Board, lodging or other facilities..... | 75 |
| Subpart H. Definitions and Miscellaneous Provisions | |
| 29 CFR §541.700. Primary duty..... | 75 |
| 29 CFR §541.701. Customarily and regularly..... | 75 |
| 29 CFR §541.702. Exempt and nonexempt work..... | 75 |
| 29 CFR §541.703. Directly and closely related..... | 75 |
| 29 CFR §541.704. Use of manuals..... | 76 |
| 29 CFR §541.705. Trainees..... | 76 |
| 29 CFR §541.706. Emergencies..... | 76 |
| 29 CFR §541.707. Occasional tasks..... | 76 |
| 29 CFR §541.708. Combination exemptions..... | 76 |
| 29 CFR §541.709. Motion picture producing industry..... | 76 |
| 29 CFR §541.710. Employees of public agencies..... | 77 |
| 29 CFR PART 547. REQUIREMENTS OF A "BONA FIDE THRIFT OR SAVINGS PLAN" | |
| 29 CFR §547.0. Scope and effect of part..... | 77 |
| 29 CFR §547.1. Essential requirements for qualifications..... | 77 |
| 29 CFR §547.2. Disqualifying provisions..... | 77 |
| 29 CFR PART 548. AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY | |
| Subpart A. General Regulations | |
| 29 CFR §548.1. Scope and effect of regulations..... | 77 |
| 29 CFR §548.2. General conditions..... | 78 |
| 29 CFR §548.3. Authorized basic rates..... | 78 |
| 29 CFR §548.4. Application for authorization of a "basic rate."..... | 79 |
| Subpart B. Interpretations | |
| Introduction | |
| 29 CFR §548.100. Introductory statement..... | 79 |
| Requirements for a Basic Rate | |
| 29 CFR §548.200. Requirements..... | 79 |
| Authorized Basic Rates | |
| 29 CFR §548.300. Introductory statement..... | 79 |
| 29 CFR §548.301. Salaried employees..... | 80 |
| 29 CFR §548.302. Average earnings for period other than a workweek..... | 80 |
| 29 CFR §548.303. Average earnings for each type of work..... | 80 |
| 29 CFR §548.304. Excluding value of lunches furnished..... | 81 |
| 29 CFR §548.305. Excluding certain additions to wages..... | 81 |
| 29 CFR §548.306. Average earnings for year or quarter year preceding the current quarter..... | 82 |
| Rates Authorized on Application | |
| 29 CFR §548.400. Procedures..... | 83 |
| 29 CFR §548.401. Agreement or understanding..... | 84 |
| 29 CFR §548.402. Applicable overtime provisions..... | 84 |
| 29 CFR §548.403. Description of method of calculation..... | 84 |
| 29 CFR §548.404. Kinds of jobs or employees..... | 84 |
| 29 CFR §548.405. Representative period..... | 84 |

Computation of Overtime Pay

29 CFR §548.500. Methods of computation..... 84
29 CFR §548.501. Overtime hours based on nonstatutory standards. 84
29 CFR §548.502. Other payments..... 84

29 CFR PART 549. REQUIREMENTS OF A “BONA FIDE PROFIT-SHARING PLAN OR TRUST”

29 CFR §549.0. Scope and effect of regulations..... 85
29 CFR §549.1. Essential requirements for qualifications. 85
29 CFR §549.2. Disqualifying provisions..... 85
29 CFR §549.3. Distinction between plan and trust. 86

29 CFR PART 550. DEFINING AND DELIMITING THE TERM “TALENT FEES”

29 CFR §550.1. “Talent fees” as used in section 7(e)(3)(c) of the Fair Labor Standards Act, as amended..... 86
29 CFR §550.2. Definitions..... 86

29 CFR PART 551. LOCAL DELIVERY DRIVERS AND HELPERS; WAGE PAYMENT PLANS

29 CFR §551.1. Statutory provision..... 86
29 CFR §551.2. Findings authorized by this part. 86
29 CFR §551.3. Petition for a finding..... 87
29 CFR §551.4. Requirements for petition..... 87
29 CFR §551.5. Information to be submitted..... 87
29 CFR §551.6. Action on petition..... 87
29 CFR §551.7. Finding..... 87
29 CFR §551.8. Definitions..... 88
29 CFR §551.9. Recordkeeping requirements..... 88

29 CFR PART 552. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Subpart A. General Regulations

29 CFR §552.1. Terms used in regulations..... 88
29 CFR §552.2. Purpose and scope..... 88
29 CFR §552.3. Domestic service employment..... 89
29 CFR §552.4. Babysitting services..... 89
29 CFR §552.5. Casual basis..... 89
29 CFR §552.6. Companionship services..... 89

Subpart B. Interpretations

29 CFR §552.99. Basis for coverage of domestic service employees..... 89
29 CFR §552.100. Application of minimum wage and overtime provisions..... 89
29 CFR §552.101. Domestic service employment..... 90
29 CFR §552.102. Live-in domestic service employees..... 90
29 CFR §552.103. Babysitting services in general..... 90
29 CFR §552.104. Babysitting services performed on a casual basis..... 90
29 CFR §552.105. Individuals performing babysitting services in their own homes..... 90
29 CFR §552.106. Companionship services..... 90
29 CFR §552.107. Yard maintenance workers..... 91
29 CFR §552.108. Child labor provisions..... 91
29 CFR §552.109. Third party employment..... 91
29 CFR §552.110. Recordkeeping requirements..... 91

29 CFR PART 553. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Subpart A. General

Introduction

29 CFR §553.1. Definitions..... 91
29 CFR §553.2. Purpose and scope..... 91
29 CFR §553.3. Coverage — general..... 92

Section 3(e)(2)(C) — Exclusions

29 CFR §553.10. General..... 92
29 CFR §553.11. Exclusion for elected officials and their appointees..... 92
29 CFR §553.12. Exclusion for employees of legislative branches..... 92

Section 7(o) — Compensatory Time and Compensatory Time Off

29 CFR §553.20. Introduction..... 92
29 CFR §553.21. Statutory provisions..... 92
29 CFR §553.22. “FLSA compensatory time” and “FLSA compensatory time off”..... 93
29 CFR §553.23. Agreement or understanding prior to performance of work..... 93
29 CFR §553.24. “Public safety”, “emergency response”, and “seasonal” activities..... 94
29 CFR §553.25. Conditions for use of compensatory time (“reasonable period”, “unduly disrupt”)..... 94
29 CFR §553.26. Cash overtime payments..... 95
29 CFR §553.27. Payments for unused compensatory time..... 95
29 CFR §553.28. Other compensatory time..... 95

Other Exemptions

29 CFR §553.30. Occasional or sporadic employment — section 7(p)(2)..... 95
29 CFR §553.31. Substitution — section 7(p)(3). 96
29 CFR §553.32. Other FLSA exemptions..... 96

Recordkeeping

29 CFR §553.50. Records to be kept of compensatory time..... 97
29 CFR §553.51. Records to be kept for employees paid pursuant to Section 7(k)..... 97

Subpart B. Volunteers

29 CFR §553.100. General..... 97
29 CFR §553.101. “Volunteer” defined..... 97
29 CFR §553.102. Employment by the same public agency..... 97
29 CFR §553.103. “Same type of services” defined..... 97
29 CFR §553.104. Private individuals who volunteer services to public agencies..... 97
29 CFR §553.105. Mutual aid agreements..... 98
29 CFR §553.106. Payment of expenses, benefits, or fees..... 98

Subpart C. Fire Protection and Law Enforcement Employees of Public Agencies

General Principles

29 CFR §553.200. Statutory provisions: section 13(b)(20)..... 98
29 CFR §553.201. Statutory provisions: section 7(k). 98
29 CFR §553.202. Limitations..... 99

Exemption Requirements

29 CFR §553.210. Fire protection activities..... 99
29 CFR §553.211. Law enforcement activities..... 99
29 CFR §553.212. Twenty percent limitation on nonexempt work..... 100
29 CFR §553.213. Public agency employees engaged in both fire protection and law enforcement activities..... 100
29 CFR §553.214. Trainees..... 100
29 CFR §553.215. [Reserved]..... 100
29 CFR §553.216. Other exemptions..... 100

Tour of Duty and Compensable Hours of Work Rules

29 CFR §553.220. “Tour of duty” defined..... 100
29 CFR §553.221. Compensable hours of work..... 100
29 CFR §553.222. Sleep time..... 101
29 CFR §553.223. Meal time..... 101
29 CFR §553.224. “Work period” defined..... 101
29 CFR §553.225. Early relief..... 101
29 CFR §553.226. Training time..... 101
29 CFR §553.227. Outside employment..... 102

Overtime Compensation Rules

29 CFR §553.230. Maximum hours standards for work periods of 7 to 28 days — section 7(k)..... 102
29 CFR §553.231. Compensatory time off..... 103
29 CFR §553.232. Overtime pay requirements..... 103
29 CFR §553.233. “Regular rate” defined..... 103

29 CFR PART 570. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart A. General

29 CFR §570.1. Definitions..... 103
29 CFR §570.2. Minimum age standards..... 103

Subpart B. Certificates of Age

29 CFR §570.5. Certificates of age and their effect..... 104
29 CFR §570.6. Contents and disposition of certificates of age..... 104
29 CFR §570.7. Documentary evidence required for issuance of a certificate of age..... 104
29 CFR §570.8. Issuance of a Federal certificate of age..... 105
29 CFR §570.9. States in which State certificates of age are accepted..... 105
29 CFR §570.10. Rules for certificates of age in the State of Alaska and the Territory of Guam..... 105
29 CFR §570.11. Continued acceptability of certificates of age..... 105
29 CFR §570.12. Revoked certificates of age..... 105

Provisions of Other Laws

29 CFR §570.25. Effect on laws other than the Federal child labor standards..... 105

Subpart C. Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)

29 CFR §570.31. Secretary’s determinations concerning the employment of minors 14 and 15 years of age..... 105
29 CFR §570.32. Effect of this subpart..... 105
29 CFR §570.33. Occupations that are prohibited to minors 14 and 15 years of age..... 106
29 CFR §570.34. Occupations that may be performed by minors 14 and 15 years of age..... 106
29 CFR §570.35. Hours of work and conditions of employment permitted for minors 14 and 15 years of age..... 108
29 CFR §570.36. Work experience and career exploration program..... 108
29 CFR §570.37. Work-study program..... 109
29 CFR §570.38. Effect of a certificate of age under this subpart..... 110
29 CFR §570.39. Effect of this subpart on other laws..... 110

Subpart D. [Reserved]

Subpart E. Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

29 CFR §570.50. General 110

29 CFR §570.51. Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1)..... 111

29 CFR §570.52. Occupations of motor-vehicle driver and outside helper (Order 2)..... 111

29 CFR §570.53. Coal-mine occupations (Order 3)..... 112

29 CFR §570.54. Forest fire fighting and forest fire prevention occupations, timber tract occupations, forestry service occupations, logging occupations, and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill (Order 4)..... 112

29 CFR §570.55. Occupations involved in the operation of power-driven woodworking machines (Order 5)..... 113

29 CFR §570.57. Exposure to radioactive substances and to ionizing radiations (Order 6)..... 114

29 CFR §570.58. Occupations involved in the operation of power-driven hoisting apparatus (Order 7)..... 114

29 CFR §570.59. Occupations involved in the operation of power-driven metal forming, punching, and shearing machines (Order 8)..... 115

29 CFR §570.60. Occupations in connection with mining, other than coal (Order 9)..... 115

29 CFR §570.61. Occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat and poultry packing, processing, or rendering (Order 10)..... 116

29 CFR §570.62. Occupations involved in the operation of bakery machines (Order 11)..... 116

29 CFR §570.63. Occupations involved in the operation of balers, compactors, and paper-products machines (Order 12)..... 116

29 CFR §570.64. Occupations involved in the manufacture of brick, tile, and kindred products (Order 13)..... 118

29 CFR §570.65. Occupations involving the operation of circular saws, band saws, guillotine shears, chain saws, reciprocating saws, wood chippers, and abrasive cutting discs (Order 14)..... 118

29 CFR §570.66. Occupations involved in wrecking, demolition, and shipbreaking operations (Order 15)..... 118

29 CFR §570.67. Occupations in roofing operations and on or about a roof (Order 16)..... 119

29 CFR §570.68. Occupations in excavation operations (Order 17)..... 119

Subpart E-1. Occupations in Agriculture Particularly Hazardous for the Employment of Children Below the Age of 16

29 CFR §570.70. Purpose and scope..... 119

29 CFR §570.71. Occupations involved in agriculture..... 119

29 CFR §570.72. Exemptions..... 120

Subpart F. [Reserved]

Subpart G. General Statements of Interpretation of the Child Labor Provisions of the Fair Labor Standards Act of 1938, as Amended

General

29 CFR §570.101. Introductory statement..... 121

29 CFR §570.102. General scope of statutory provisions..... 121

29 CFR §570.103. Comparison with wage and hour provisions..... 122

Coverage of Section 12(a)

29 CFR §570.104. General..... 122

29 CFR §570.105. “Producer, manufacturer, or dealer”..... 122

29 CFR §570.106. “Ship or deliver for shipment in commerce”..... 122

29 CFR §570.107. “Goods”..... 122

29 CFR §570.108. “Produced”..... 123

29 CFR §570.109. “Establishment situated in the United States”..... 123

29 CFR §570.110. “In or about”..... 123

29 CFR §570.111. Removal “within 30 days”..... 124

Coverage of Section 12(c)

29 CFR §570.112. General..... 124

29 CFR §570.113. Employment “in commerce or in the production of goods for commerce”..... 124

Joint and Separate Applicability of Sections 12(a) and 12(c)

29 CFR §570.114. General..... 124

29 CFR §570.115. Joint applicability..... 125

29 CFR §570.116. Separate applicability..... 125

Oppressive Child Labor

29 CFR §570.117. General..... 125

29 CFR §570.118. Sixteen-year minimum..... 125

29 CFR §570.119. Fourteen-year minimum..... 125

29 CFR §570.120. Eighteen-year minimum..... 126

29 CFR §570.121. Age certificates..... 126

Exemptions

29 CFR §570.122. General..... 126

29 CFR §570.123. Agriculture..... 126

29 CFR §570.124. Delivery of newspapers..... 127

29 CFR §570.125. Actors and performers..... 127

29 CFR §570.126. Parental exemption..... 127

29 CFR §570.127. Homeworkers engaged in the making of evergreen wreaths..... 127

29 CFR §570.128. Loading of certain scrap paper balers and paper box compactors..... 127

| | |
|--|-----|
| 29 CFR §570.129. Limited driving of automobiles and trucks by 17-year-olds. | 127 |
| 29 CFR §570.130. Employment of certain youth inside and outside of places of business that use power-driven machinery to process wood products. | 128 |
| Enforcement | |
| 29 CFR §570.140. General. | 128 |
| 29 CFR §570.141. Good faith defense. | 128 |
| 29 CFR §570.142. Relation to other laws. | 128 |
| 29 CFR PART 575. WAIVER OF CHILD LABOR PROVISIONS FOR AGRICULTURAL EMPLOYMENT OF 10 AND 11 YEAR OLD MINORS IN HAND HARVESTING OF SHORT SEASON CROPS | |
| 29 CFR §575.1. Purpose and scope. | 128 |
| 29 CFR §575.2. Definitions. | 129 |
| 29 CFR §575.3. Application for waiver. | 129 |
| 29 CFR §575.4. Information to be included in application. | 130 |
| 29 CFR §575.5. Supporting data to accompany application. | 130 |
| 29 CFR §575.6. Procedure for action on an application. | 130 |
| 29 CFR §575.7. Statutory conditions for employment under the waiver. | 131 |
| 29 CFR §575.8. Secretary's conditions for employment under the waiver. | 131 |
| 29 CFR §575.9. Failure to comply with the terms and conditions of the waiver. | 131 |
| 29 CFR PART 578. MINIMUM WAGE AND OVERTIME VIOLATIONS—CIVIL MONEY PENALTIES | |
| 29 CFR §578.1. What does this part cover? | 132 |
| 29 CFR §578.2. Definitions. | 132 |
| 29 CFR §578.3. What types of violations may result in a penalty being assessed? | 132 |
| 29 CFR §578.4. Determination of penalty. | 132 |
| 29 CFR PART 579. CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES | |
| 29 CFR §579.1. Purpose and scope. | 132 |
| 29 CFR §579.2. Definitions. | 133 |
| 29 CFR §579.3. Violations for which child labor civil money penalties may be assessed. | 133 |
| 29 CFR §579.4. [Reserved] | 134 |
| 29 CFR §579.5. Determining the amount of the penalty and assessing the penalty. | 134 |
| 29 CFR PART 580. CIVIL MONEY PENALTIES—PROCEDURES FOR ASSESSING AND CONTESTING PENALTIES | |
| 29 CFR §580.1. Definitions. | 135 |
| 29 CFR §580.2. Applicability of procedures and rules. | 135 |
| 29 CFR §580.3. Written notice of determination required. | 135 |
| 29 CFR §580.4. Contents of notice. | 135 |
| 29 CFR §580.5. Finality of notice. | 135 |
| 29 CFR §580.6. Exception to determination of penalty and request for hearing. | 136 |
| Rules of Practice | |
| 29 CFR §580.7. General. | 136 |
| 29 CFR §580.8. Service and computation of time. | 136 |
| 29 CFR §580.9. Commencement of proceeding. | 136 |
| Referral for Hearing | |
| 29 CFR §580.10. Referral to Administrative Law Judge. | 136 |
| 29 CFR §580.11. Appointment of Administrative Law Judge and notification of prehearing conference and hearing date. | 136 |
| 29 CFR §580.12. Decision and Order of Administrative Law Judge. | 136 |
| 29 CFR §580.13. Procedures for appeals to the Administrative Review Board. | 137 |
| 29 CFR §580.14. [Reserved] | 137 |
| 29 CFR §580.15. Responsibility of the Office of Administrative Law Judges for the administrative record. | 137 |
| 29 CFR §580.16. Final decision of the Administrative Review Board. | 137 |
| 29 CFR §580.17. Retention of official record. | 137 |
| 29 CFR §580.18. Collection and recovery of penalty. | 137 |
| SUBCHAPTER B. STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS | |
| 29 CFR PART 775. GENERAL | |
| 29 CFR §775.0. General enforcement policy. | 137 |
| 29 CFR §775.1. Advisory interpretations announced by the Administrator. | 137 |
| 29 CFR PART 776. INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 | |
| Subpart A. General | |
| 29 CFR §776.0. Subpart limited to individual employee coverage. | 138 |
| Individual Employee Coverage | |
| 29 CFR §776.0a. Introductory statement. | 138 |

How Coverage Is Determined

| | |
|--|-----|
| 29 CFR §776.1. General interpretative guides..... | 138 |
| 29 CFR §776.2. Employee basis of coverage..... | 138 |
| 29 CFR §776.3. Persons engaging in both covered and noncovered activities..... | 139 |
| 29 CFR §776.4. Workweek standard..... | 139 |
| 29 CFR §776.5. Coverage not dependent on method of compensation..... | 139 |
| 29 CFR §776.6. Coverage not dependent on place of work..... | 139 |
| 29 CFR §776.7. Geographical scope of coverage..... | 139 |

Engaging “In Commerce”

| | |
|--|-----|
| 29 CFR §776.8. The statutory provisions..... | 139 |
| 29 CFR §776.9. General scope of “in commerce” coverage..... | 140 |
| 29 CFR §776.10. Employees participating in the actual movement of commerce..... | 140 |
| 29 CFR §776.11. Employees doing work related to instrumentalities of commerce..... | 140 |
| 29 CFR §776.12. Employees traveling across State lines..... | 141 |
| 29 CFR §776.13. Commerce crossing international boundaries..... | 141 |

Engaging in “The Production of Goods for Commerce”

| | |
|--|-----|
| 29 CFR §776.14. Elements of “production” coverage..... | 141 |
| 29 CFR §776.15. “Production.”..... | 141 |
| 29 CFR §776.16. Employment in “producing, * * * or in any other manner working on” goods..... | 141 |
| 29 CFR §776.17. Employment in a “closely related process or occupation directly essential to” production of goods..... | 142 |
| 29 CFR §776.18. Employees of producers for commerce..... | 143 |
| 29 CFR §776.19. Employees of independent employers meeting needs of producers for commerce..... | 143 |
| 29 CFR §776.20. “Goods.”..... | 145 |
| 29 CFR §776.21. “For” commerce..... | 146 |

Subpart B. Construction Industry

| | |
|--|-----|
| 29 CFR §776.22. Subpart limited to individual employee coverage..... | 147 |
|--|-----|

Enterprise Coverage

| | |
|--|-----|
| 29 CFR §776.22a. Extension of coverage to employment in certain enterprises..... | 147 |
|--|-----|

Individual Employee Coverage in the Construction Industry

| | |
|--|-----|
| 29 CFR §776.22b. Guiding principles..... | 148 |
| 29 CFR §776.23. Employment in the construction industry..... | 148 |
| 29 CFR §776.24. Travel in connection with construction projects..... | 148 |
| 29 CFR §776.25. Regular and recurring activities as basis of coverage..... | 148 |
| 29 CFR §776.26. Relationship of the construction work to the covered facility..... | 149 |
| 29 CFR §776.27. Construction which is related to covered production..... | 149 |
| 29 CFR §776.28. Covered preparatory activities..... | 149 |
| 29 CFR §776.29. Instrumentalities and channels of interstate commerce..... | 150 |
| 29 CFR §776.30. Construction performed on temporarily idle facilities..... | 151 |

29 CFR PART 778. OVERTIME COMPENSATION

Subpart A. General Considerations

| | |
|--|-----|
| 29 CFR §778.0. Introductory statement..... | 151 |
| 29 CFR §778.1. Introductory statement..... | 152 |
| 29 CFR §778.2. Coverage and exemptions not discussed..... | 152 |
| 29 CFR §778.3. Interpretations made, continued, and superseded by this part..... | 152 |
| 29 CFR §778.4. Reliance on interpretations..... | 152 |
| 29 CFR §778.5. Relation to other laws generally..... | 152 |
| 29 CFR §778.6. Effect of Davis-Bacon Act..... | 152 |
| 29 CFR §778.7. Effect of Service Contract Act of 1965..... | 152 |

Subpart B. The Overtime Pay Requirements

Introductory

| | |
|---|-----|
| 29 CFR §778.100. The maximum-hours provisions..... | 153 |
| 29 CFR §778.101. Maximum nonovertime hours..... | 153 |
| 29 CFR §778.102. Application of overtime provisions generally..... | 153 |
| 29 CFR §778.103. The workweek as the basis for applying section 7(a)..... | 153 |
| 29 CFR §778.104. Each workweek stands alone..... | 153 |
| 29 CFR §778.105. Determining the workweek..... | 153 |
| 29 CFR §778.106. Time of payment..... | 153 |

Principles for Computing Overtime Pay Based on the “Regular Rate”

| | |
|--|-----|
| 29 CFR §778.107. General standard for overtime pay..... | 154 |
| 29 CFR §778.108. The “regular rate”..... | 154 |
| 29 CFR §778.109. The regular rate is an hourly rate..... | 154 |
| 29 CFR §778.110. Hourly rate employee..... | 154 |
| 29 CFR §778.111. Pieceworker..... | 154 |
| 29 CFR §778.112. Day rates and job rates..... | 155 |
| 29 CFR §778.113. Salaried employees — general..... | 155 |
| 29 CFR §778.114. Fixed salary for fluctuating hours..... | 155 |
| 29 CFR §778.115. Employees working at two or more rates..... | 155 |
| 29 CFR §778.116. Payments other than cash..... | 155 |
| 29 CFR §778.117. Commission payments — general..... | 156 |

| | |
|--|-----|
| 29 CFR §778.118. Commission paid on a workweek basis..... | 156 |
| 29 CFR §778.119. Deferred commission payments — general rules..... | 156 |
| 29 CFR §778.120. Deferred commission payments not identifiable as earned in particular workweeks..... | 156 |
| 29 CFR §778.121. Commission payments — delayed credits and debits..... | 156 |
| 29 CFR §778.122. Computation of overtime for commission employees on established basic rate..... | 157 |
| Subpart C. Payments That May Be Excluded From the “Regular Rate” | |
| The Statutory Provisions | |
| 29 CFR §778.200. Provisions governing inclusion, exclusion, and crediting of particular payments..... | 157 |
| Extra Compensation Paid for Overtime | |
| 29 CFR §778.201. Overtime premiums — general..... | 157 |
| 29 CFR §778.202. Premium pay for hours in excess of a daily or weekly standard..... | 158 |
| 29 CFR §778.203. Premium pay for work on Saturdays, Sundays, and other “special days”..... | 158 |
| 29 CFR §778.204. “Clock pattern” premium pay..... | 159 |
| 29 CFR §778.205. Premiums for weekend and holiday work — example..... | 159 |
| 29 CFR §778.206. Premiums for work outside basic workday or workweek — examples..... | 159 |
| 29 CFR §778.207. Other types of contract premium pay distinguished..... | 159 |
| Bonuses | |
| 29 CFR §778.208. Inclusion and exclusion of bonuses in computing the “regular rate.”..... | 160 |
| 29 CFR §778.209. Method of inclusion of bonus in regular rate..... | 160 |
| 29 CFR §778.210. Percentage of total earnings as bonus..... | 160 |
| 29 CFR §778.211. Discretionary bonuses..... | 160 |
| 29 CFR §778.212. Gifts, Christmas and special occasion bonuses..... | 161 |
| 29 CFR §778.213. Profit-sharing, thrift, and savings plans..... | 161 |
| 29 CFR §778.214. Benefit plans; including profit-sharing plans or trusts providing similar benefits..... | 161 |
| 29 CFR §778.215. Conditions for exclusion of benefit-plan contributions under section 7(e)(4)..... | 162 |
| Payments Not for Hours Worked | |
| 29 CFR §778.216. The provisions of section 7(e)(2) of the Act..... | 162 |
| 29 CFR §778.217. Reimbursement for expenses..... | 162 |
| 29 CFR §778.218. Pay for certain idle hours..... | 163 |
| 29 CFR §778.219. Pay for foregoing holidays and unused leave..... | 163 |
| 29 CFR §778.220. “Show-up” or “reporting” pay..... | 164 |
| 29 CFR §778.221. “Call-back” pay..... | 164 |
| 29 CFR §778.222. Other payments similar to “call-back” pay..... | 165 |
| 29 CFR §778.223. Pay for non-productive hours distinguished..... | 165 |
| 29 CFR §778.224. “Other similar payments”..... | 166 |
| Talent Fees in the Radio and Television Industry | |
| 29 CFR §778.225. Talent fees excludable under regulations..... | 166 |
| Subpart D. Special Problems | |
| Introductory | |
| 29 CFR §778.300. Scope of subpart..... | 166 |
| Change in the Beginning of the Workweek | |
| 29 CFR §778.301. Overlapping when change of workweek is made..... | 166 |
| 29 CFR §778.302. Computation of overtime due for overlapping workweeks..... | 166 |
| Additional Pay for Past Period | |
| 29 CFR §778.303. Retroactive pay increases..... | 167 |
| How Deductions Affect the Regular Rate | |
| 29 CFR §778.304. Amounts deducted from cash wages — general..... | 167 |
| 29 CFR §778.305. Computation where particular types of deductions are made..... | 167 |
| 29 CFR §778.306. Salary reductions in short workweeks..... | 167 |
| 29 CFR §778.307. Disciplinary deductions..... | 167 |
| Lump Sum Attributed to Overtime | |
| 29 CFR §778.308. The overtime rate is an hourly rate..... | 167 |
| 29 CFR §778.309. Fixed sum for constant amount of overtime..... | 168 |
| 29 CFR §778.310. Fixed sum for varying amounts of overtime..... | 168 |
| 29 CFR §778.311. Flat rate for special job performed in overtime hours..... | 168 |
| “Task” Basis of Payment | |
| 29 CFR §778.312. Pay for task without regard to actual hours..... | 168 |
| 29 CFR §778.313. Computing overtime pay under the Act for employees compensated on task basis..... | 169 |
| 29 CFR §778.314. Special situations..... | 169 |
| Effect of Failure to Count or Pay for Certain Working Hours | |
| 29 CFR §778.315. Payment for all hours worked in overtime workweek is required..... | 169 |
| 29 CFR §778.316. Agreements or practices in conflict with statutory requirements are ineffective..... | 169 |
| 29 CFR §778.317. Agreements not to pay for certain nonovertime hours..... | 169 |
| 29 CFR §778.318. Productive and nonproductive hours of work..... | 170 |
| Effect of Paying for but Not Counting Certain Hours | |
| 29 CFR §778.319. Paying for but not counting hours worked..... | 170 |
| 29 CFR §778.320. Hours that would not be hours worked if not paid for..... | 170 |
| Reduction in Workweek Schedule With No Change in Pay | |
| 29 CFR §778.321. Decrease in hours without decreasing pay — general..... | 170 |

| | |
|---|-----|
| 29 CFR §778.322. Reducing the fixed workweek for which a salary is paid..... | 170 |
| 29 CFR §778.323. Effect if salary is for variable workweek..... | 171 |
| 29 CFR §778.324. Effect on hourly rate employees..... | 171 |
| 29 CFR §778.325. Effect on salary covering more than 40 hours' pay..... | 171 |
| 29 CFR §778.326. Reduction of regular overtime workweek without reduction of take-home pay..... | 171 |
| 29 CFR §778.327. Temporary or sporadic reduction in schedule..... | 171 |
| 29 CFR §778.328. Plan for gradual permanent reduction in schedule..... | 172 |
| 29 CFR §778.329. Alternating workweeks of different fixed lengths..... | 172 |

Prizes as Bonuses

| | |
|---|-----|
| 29 CFR §778.330. Prizes or contest awards generally..... | 172 |
| 29 CFR §778.331. Awards for performance on the job..... | 172 |
| 29 CFR §778.332. Awards for activities not normally part of employee's job..... | 172 |
| 29 CFR §778.333. Suggestion system awards..... | 172 |

Subpart E. Exceptions From the Regular Rate Principles

Computing Overtime Pay on an "Established" Rate

| | |
|--|-----|
| 29 CFR §778.400. The provisions of section 7(g)(3) of the Act..... | 173 |
| 29 CFR §778.401. Regulations issued under section 7(g)(3)..... | 173 |

Guaranteed Compensation Which Includes Overtime Pay

| | |
|--|-----|
| 29 CFR §778.402. The statutory exception provided by section 7(f) of the Act..... | 173 |
| 29 CFR §778.403. Constant pay for varying workweeks including overtime is not permitted except as specified in section 7(f)..... | 173 |
| 29 CFR §778.404. Purposes of exemption..... | 173 |
| 29 CFR §778.405. What types of employees are affected..... | 173 |
| 29 CFR §778.406. Nonovertime hours as well as overtime hours must be irregular if section 7(f) is to apply..... | 174 |
| 29 CFR §778.407. The nature of the section 7(f) contract..... | 174 |
| 29 CFR §778.408. The specified regular rate..... | 174 |
| 29 CFR §778.409. Provision for overtime pay..... | 175 |
| 29 CFR §778.410. The guaranty under section 7(f)..... | 175 |
| 29 CFR §778.411. Sixty-hour limit on pay guaranteed by contract..... | 175 |
| 29 CFR §778.412. Relationship between amount guaranteed and range of hours employee may be expected to work..... | 175 |
| 29 CFR §778.413. Guaranty must be based on rates specified in contract..... | 175 |
| 29 CFR §778.414. "Approval" of contracts under section 7(f)..... | 175 |

Computing Overtime Pay on the Rate Applicable to the Type of Work Performed in Overtime Hours (Secs. 7(g) (1) and (2))

| | |
|---|-----|
| 29 CFR §778.415. The statutory provisions..... | 176 |
| 29 CFR §778.416. Purpose of provisions..... | 176 |
| 29 CFR §778.417. General requirements of section 7(g)..... | 176 |
| 29 CFR §778.418. Pieceworkers..... | 176 |
| 29 CFR §778.419. Hourly workers employed at two or more jobs..... | 176 |
| 29 CFR §778.420. Combined hourly rates and piece rates..... | 177 |
| 29 CFR §778.421. Offset hour for hour..... | 177 |

Subpart F. Pay Plans Which Circumvent the Act

Devices to Evade the Overtime Requirements

| | |
|--|-----|
| 29 CFR §778.500. Artificial regular rates..... | 177 |
| 29 CFR §778.501. The "split-day" plan..... | 177 |

Pseudo-bonuses

| | |
|---|-----|
| 29 CFR §778.502. Artificially labeling part of the regular wages a "bonus"..... | 178 |
| 29 CFR §778.503. Pseudo "percentage bonuses"..... | 178 |

Subpart G. Miscellaneous

| | |
|---|-----|
| 29 CFR §778.600. Veterans' subsistence allowances..... | 178 |
| 29 CFR §778.601. Special overtime provisions available for hospital and residential care establishments under section 7(j)..... | 179 |
| 29 CFR §778.602. Special overtime provisions under section 7(b)..... | 179 |
| 29 CFR §778.603. Special overtime provisions for certain employees receiving remedial education under section 7(q)..... | 179 |

29 CFR PART 779. THE FAIR LABOR STANDARDS ACT AS APPLIED TO RETAILERS OF GOODS OR SERVICES

Subpart A. General

Introductory

| | |
|---|-----|
| 29 CFR §779.0. Purpose of interpretative bulletin..... | 180 |
| 29 CFR §779.1. General scope of the Act..... | 180 |
| 29 CFR §779.2. Previous and new coverage..... | 180 |
| 29 CFR §779.3. Pay standards for employees subject to previous coverage of the Act..... | 180 |
| 29 CFR §779.4. Pay standards for newly covered employment..... | 181 |
| 29 CFR §779.5. Matters discussed in this part..... | 181 |
| 29 CFR §779.6. Matters discussed in other interpretative bulletins..... | 181 |

Interpretations of the Law

| | |
|---|-----|
| 29 CFR §779.7. Significance of official interpretations..... | 181 |
| 29 CFR §779.8. Basic support for interpretations..... | 181 |
| 29 CFR §779.9. Reliance on interpretations..... | 181 |
| 29 CFR §779.10. Interpretations made, continued, and superseded by this part..... | 181 |

Some Basic Definitions

| | |
|--|-----|
| 29 CFR §779.11. General statement..... | 182 |
| 29 CFR §779.12. Commerce..... | 182 |
| 29 CFR §779.13. Production..... | 182 |
| 29 CFR §779.14. Goods..... | 182 |
| 29 CFR §779.15. Sale and resale..... | 182 |
| 29 CFR §779.16. State..... | 182 |
| 29 CFR §779.17. Wage and wage payments to tipped employees..... | 182 |
| 29 CFR §779.18. Regular rate..... | 183 |
| 29 CFR §779.19. Employer, employee, and employ..... | 183 |
| 29 CFR §779.20. Person..... | 183 |
| 29 CFR §779.21. Enterprise..... | 183 |
| 29 CFR §779.22. Enterprise engaged in commerce or in the production of goods for commerce..... | 184 |
| 29 CFR §779.23. Establishment..... | 184 |
| 29 CFR §779.24. Retail or service establishment..... | 184 |

Subpart B. Employment to Which the Act May Apply: Basic Principles and Individual Coverage

General Principles

| | |
|---|-----|
| 29 CFR §779.100. Basic coverage in general..... | 185 |
| 29 CFR §779.101. Guiding principles for applying coverage and exemption provisions..... | 185 |
| 29 CFR §779.102. Scope of this subpart..... | 185 |

Employees Engaged in Commerce or in the Production of Goods for Commerce

| | |
|--|-----|
| 29 CFR §779.103. Employees “engaged in commerce.”..... | 185 |
| 29 CFR §779.104. Employees “engaged in the production of goods for commerce.”..... | 185 |
| 29 CFR §779.105. Employees engaged in activities “closely related” and “directly essential” to the production of goods for commerce..... | 186 |
| 29 CFR §779.106. Employees employed by an independent employer..... | 186 |
| 29 CFR §779.107. Goods defined..... | 186 |
| 29 CFR §779.108. Goods produced for commerce..... | 186 |
| 29 CFR §779.109. Amount of activities which constitute engaging in commerce or in the production of goods for commerce..... | 186 |
| 29 CFR §779.110. Employees in retailing whose activities may bring them under the Act..... | 186 |
| 29 CFR §779.111. Buyers and their assistants..... | 186 |
| 29 CFR §779.112. Office employees..... | 186 |
| 29 CFR §779.113. Warehouse and stock room employees..... | 186 |
| 29 CFR §779.114. Transportation employees..... | 187 |
| 29 CFR §779.115. Watchmen and guards..... | 187 |
| 29 CFR §779.116. Custodial and maintenance employees..... | 187 |
| 29 CFR §779.117. Salesmen and sales clerks..... | 187 |
| 29 CFR §779.118. Employees providing central services for multi-unit organizations..... | 187 |
| 29 CFR §779.119. Exempt occupations..... | 187 |

Subpart C. Employment to Which the Act May Apply; Enterprise Coverage

Enterprise; the Business Unit

| | |
|--|-----|
| 29 CFR §779.200. Coverage expanded by 1961 and 1966 amendments..... | 187 |
| 29 CFR §779.201. The place of the term “enterprise” in the Act..... | 187 |
| 29 CFR §779.202. Basic concepts of definition..... | 187 |
| 29 CFR §779.203. Distinction between “enterprise,” “establishment,” and “employer.”..... | 187 |
| 29 CFR §779.204. Common types of “enterprise.”..... | 188 |

Related Activities

| | |
|--|-----|
| 29 CFR §779.205. Enterprise must consist of “related activities.”..... | 188 |
| 29 CFR §779.206. What are “related activities.”..... | 188 |
| 29 CFR §779.207. Related activities in retail operations..... | 188 |
| 29 CFR §779.208. Auxiliary activities which are “related activities.”..... | 189 |
| 29 CFR §779.209. Vertical activities which are “related activities.”..... | 189 |
| 29 CFR §779.210. Other activities which may be part of the enterprise..... | 189 |
| 29 CFR §779.211. Status of activities which are not “related.”..... | 189 |

Common Business Purpose

| | |
|--|-----|
| 29 CFR §779.212. Enterprise must consist of related activities performed for a “common business purpose.”..... | 190 |
| 29 CFR §779.213. What is a common business purpose..... | 190 |
| 29 CFR §779.214. “Business” purpose..... | 190 |

Unified Operation or Common Control

| | |
|---|-----|
| 29 CFR §779.215. General scope of terms..... | 190 |
| 29 CFR §779.216. Statutory construction of the terms..... | 190 |
| 29 CFR §779.217. “Unified operation” defined..... | 190 |
| 29 CFR §779.218. Methods to accomplish “unified operation.”..... | 191 |
| 29 CFR §779.219. Unified operation may be achieved without common control or common ownership..... | 191 |
| 29 CFR §779.220. Unified operation may exist as to separately owned or controlled activities which are related..... | 191 |
| 29 CFR §779.221. “Common control” defined..... | 191 |
| 29 CFR §779.222. Ownership as factor..... | 191 |
| 29 CFR §779.223. Control where ownership vested in individual or single organization..... | 191 |
| 29 CFR §779.224. Common control in other cases..... | 192 |

| | |
|---|-----|
| Leased Departments, Franchise and Other Business Arrangements | |
| 29 CFR §779.225. Leased departments..... | 192 |
| 29 CFR §779.226. Exception for an independently owned retail or service establishment under certain franchise and other arrangements..... | 192 |
| 29 CFR §779.227. Conditions which must be met for exception..... | 192 |
| 29 CFR §779.228. Types of arrangements contemplated by exception..... | 193 |
| 29 CFR §779.229. Other arrangements..... | 193 |
| 29 CFR §779.230. Franchise and other arrangements..... | 193 |
| 29 CFR §779.231. Franchise arrangements which do not create a larger enterprise..... | 193 |
| 29 CFR §779.232. Franchise or other arrangements which create a larger enterprise..... | 194 |
| 29 CFR §779.233. Independent contractors performing work “for” an enterprise..... | 194 |
| 29 CFR §779.234. Establishments whose only regular employees are the owner or members of his immediate family..... | 194 |
| 29 CFR §779.235. Other “enterprises.”..... | 194 |
| Covered Enterprises | |
| 29 CFR §779.236. In general..... | 195 |
| 29 CFR §779.237. Enterprise engaged in commerce or in the production of goods for commerce..... | 195 |
| 29 CFR §779.238. Engagement in described activities determined on annual basis..... | 195 |
| 29 CFR §779.239. Meaning of “engaged in commerce or in the production of goods for commerce.”..... | 195 |
| Employees Handling, Selling, or Otherwise Working on Goods That Have Been Moved in or Produced for Commerce by Any Person | |
| 29 CFR §779.240. Employees “handling * * * or otherwise working on goods.”..... | 195 |
| 29 CFR §779.241. Selling..... | 195 |
| 29 CFR §779.242. Goods that “have been moved in” commerce..... | 196 |
| 29 CFR §779.243. Goods that have been “produced for commerce by any person.”..... | 196 |
| Covered Retail Enterprise | |
| 29 CFR §779.244. “Covered enterprises” of interest to retailers of goods or services..... | 196 |
| 29 CFR §779.245. Conditions for coverage of retail or service enterprises..... | 196 |
| The Gasoline Service Establishment Enterprise | |
| 29 CFR §779.254. Summary of coverage and exemptions prior to and following the 1966 amendments..... | 196 |
| 29 CFR §779.255. Meaning of “gasoline service establishment.”..... | 197 |
| 29 CFR §779.256. Conditions for enterprise coverage of gasoline service establishments..... | 197 |
| Annual Gross Volume of Sales Made or Business Done | |
| 29 CFR §779.258. Sales made or business done..... | 197 |
| 29 CFR §779.259. What is included in annual gross volume..... | 197 |
| 29 CFR §779.260. Trade-in allowances..... | 198 |
| Excise Taxes | |
| 29 CFR §779.261. Statutory provision..... | 198 |
| 29 CFR §779.262. Excise taxes at the retail level..... | 198 |
| 29 CFR §779.263. Excise taxes not at the retail level..... | 198 |
| 29 CFR §779.264. Excise taxes separately stated..... | 198 |
| Computing the Annual Volume | |
| 29 CFR §779.265. Basis for making computations..... | 198 |
| 29 CFR §779.266. Methods of computing annual volume of sales or business..... | 199 |
| 29 CFR §779.267. Fluctuations in annual gross volume affecting enterprise coverage and establishment exemptions..... | 199 |
| 29 CFR §779.268. Grace period of 1 month for computation..... | 199 |
| 29 CFR §779.269. Computations for a new business..... | 199 |
| Subpart D—Exemptions for Certain Retail or Service Establishments | |
| General Principles | |
| 29 CFR §779.300. Purpose of subpart..... | 199 |
| 29 CFR §779.301. Statutory provisions..... | 200 |
| “Establishment” Basis of Exemptions | |
| 29 CFR §779.302. Exemptions depend on character of establishment..... | 200 |
| 29 CFR §779.303. “Establishment” defined; distinguished from “enterprise” and “business.”..... | 200 |
| 29 CFR §779.304. Illustrations of a single establishment..... | 201 |
| 29 CFR §779.305. Separate establishments on the same premises..... | 201 |
| 29 CFR §779.306. Leased departments not separate establishments..... | 201 |
| 29 CFR §779.307. Meaning and scope of “employed by” and “employee of.”..... | 201 |
| 29 CFR §779.308. Employed within scope of exempt business..... | 201 |
| 29 CFR §779.309. Employed “in” but not “by.”..... | 201 |
| 29 CFR §779.310. Employees of employers operating multi-unit businesses..... | 202 |
| 29 CFR §779.311. Employees working in more than one establishment of same employer..... | 202 |
| Statutory Meaning of Retail or Service Establishment | |
| 29 CFR §779.312. “Retail or service establishment”, defined in section 13(a)(2)..... | 202 |
| 29 CFR §779.313. Requirements summarized..... | 202 |
| Making Sales of Goods and Services “Recognized as Retail” | |
| 29 CFR §779.314. “Goods” and “services” defined..... | 202 |
| 29 CFR §779.315. Traditional local retail or service establishments..... | 202 |
| 29 CFR §779.316. Establishments outside “retail concept” not within statutory definition; lack first requirement..... | 203 |
| 29 CFR §779.317. Partial list of establishments lacking “retail concept.”..... | 203 |

| | |
|--|-----|
| 29 CFR §779.318. Characteristics and examples of retail or service establishments. | 204 |
| 29 CFR §779.319. A retail or service establishment must be open to general public. | 205 |
| 29 CFR §779.320. Partial list of establishments whose sales or service may be recognized as retail. | 205 |
| 29 CFR §779.321. Inapplicability of “retail concept” to some types of sales or services of an eligible establishment. | 205 |
| “Recognized” as Retail “in the Particular Industry” | |
| 29 CFR §779.322. Second requirement for qualifying as a “retail or service establishment.” | 206 |
| 29 CFR §779.323. Particular industry. | 206 |
| 29 CFR §779.324. Recognition “in.” | 206 |
| 29 CFR §779.325. Functions of the Secretary and the courts. | 206 |
| 29 CFR §779.326. Sources of information. | 206 |
| 29 CFR §779.327. Wholesale sales. | 207 |
| 29 CFR §779.328. Retail and wholesale distinguished. | 207 |
| 29 CFR §779.329. Effect of type of customer and type of goods or services. | 207 |
| Sales Not Made for Resale | |
| 29 CFR §779.330. Third requirement for qualifying as a “retail or service establishment.” | 207 |
| 29 CFR §779.331. Meaning of sales “for resale.” | 208 |
| 29 CFR §779.332. Resale of goods in an altered form or as parts or ingredients of other goods or services. | 208 |
| 29 CFR §779.333. Goods sold for use as raw materials in other products. | 208 |
| 29 CFR §779.334. Sales of services for resale. | 208 |
| 29 CFR §779.335. Sales of building materials for residential or farm building construction. | 208 |
| 29 CFR §779.336. Sales of building materials for commercial property construction. | 208 |
| General Tests of Exemption Under Section 13(a)(2) | |
| 29 CFR §779.337. Requirements of exemption summarized. | 209 |
| 29 CFR §779.338. Effect of 1961 and 1966 amendments. | 209 |
| Sales Made Within the State | |
| 29 CFR §779.339. More than 50 percent intrastate sales required. | 209 |
| 29 CFR §779.340. Out-of-State customers. | 209 |
| 29 CFR §779.341. Sales “made within the State” and “engagement in commerce” distinguished. | 209 |
| Computing Annual Dollar Volume and Combination of Exemptions | |
| 29 CFR §779.342. Methods of computing annual volume of sales. | 209 |
| 29 CFR §779.343. Combinations of exemptions. | 210 |
| Engaging in Manufacturing and Processing Activities; Section 13(a)(4) | |
| 29 CFR §779.345. Exemption provided in section 13(a)(4). | 210 |
| 29 CFR §779.346. Requirements for exemption summarized. | 210 |
| 29 CFR §779.347. Exemption limited to “recognized retail establishment”; factories not exempt. | 210 |
| 29 CFR §779.348. Goods must be made at the establishment which sells them. | 210 |
| 29 CFR §779.349. The 85-percent requirement. | 211 |
| 29 CFR §779.350. The section 13(a)(4) exemption does not apply to service establishments. | 211 |
| Engaging in Contract Telegraph Agency Operations; Section 13(a)(11) | |
| 29 CFR §779.351. Exemption provided. | 211 |
| 29 CFR §779.352. Requirements for exemption. | 211 |
| Classification of Sales and Establishments in Certain Industries | |
| 29 CFR §779.353. Basis for classification. | 211 |
| Lumber and Building Materials Dealers | |
| 29 CFR §779.354. Who may qualify as exempt 13(a)(2) or 13(a)(4) establishments. | 211 |
| 29 CFR §779.355. Classification of lumber and building materials sales. | 212 |
| 29 CFR §779.356. Application of exemptions to employees. | 212 |
| Coal Dealers | |
| 29 CFR §779.357. May qualify as exempt 13(a)(2) establishments; classification of coal sales. | 212 |
| Ice Manufacturers and Ice Dealers | |
| 29 CFR §779.358. May qualify as exempt 13(a)(2) or 13(a)(4) establishments. | 213 |
| Liquefied-Petroleum-Gas and Fuel Oil Dealers | |
| 29 CFR §779.359. May qualify as exempt 13(a)(2) establishments. | 213 |
| 29 CFR §779.360. Classification of liquefied-petroleum-gas sales. | 213 |
| 29 CFR §779.361. Classification of other fuel oil sales. | 214 |
| Feed Dealers | |
| 29 CFR §779.362. May qualify as exempt 13(a)(2) or 13(a)(4) establishments. | 214 |
| Monument Dealers | |
| 29 CFR §779.363. May qualify as exempt 13(a)(2) or 13(a)(4) establishments. | 214 |
| Frozen-Food Locker Plants | |
| 29 CFR §779.364. May qualify as exempt 13(a)(2) or 13(a)(4) establishments. | 215 |
| Automotive Tire Establishments | |
| 29 CFR §779.365. May qualify as exempt 13(a)(2) or 13(a)(4) establishments. | 215 |
| 29 CFR §779.366. Recapping or retreading tires for sale. | 216 |
| Commercial Stationers | |
| 29 CFR §779.367. Commercial stationers may qualify as exempt 13(a)(2) establishments. | 216 |
| 29 CFR §779.368. Printing and engraving establishments not recognized as retail. | 216 |

| | |
|---|-----|
| Funeral Homes | |
| 29 CFR §779.369. Funeral home establishments may qualify as exempt 13(a)(2) establishments..... | 216 |
| Cemeteries | |
| 29 CFR §779.370. Cemeteries may qualify as exempt 13(a)(2) establishments..... | 217 |
| Automobile, Truck and Farm Implement Sales and Services, and Trailer, Boat and Aircraft Sales | |
| 29 CFR §779.371. Some automobile, truck, and farm implement establishments may qualify for exemption under section 13(a)(2)..... | 217 |
| 29 CFR §779.372. Nonmanufacturing establishments with certain exempt employees under section 13(b)(10)..... | 219 |
| Other Establishments for Which Special Exceptions or Exemptions Are Provided | |
| 29 CFR §779.381. Establishments within special exceptions or exemptions. | 219 |
| Hotels and Motels | |
| 29 CFR §779.382. May qualify as exempt 13(a)(2) establishments. | 220 |
| 29 CFR §779.383. “Hotel” and “motel” exemptions under section 13(b)(8)..... | 220 |
| Motion Picture Theaters | |
| 29 CFR §779.384. May qualify as exempt establishments..... | 220 |
| Seasonal Amusement or Recreational Establishments | |
| 29 CFR §779.385. May qualify as exempt establishments..... | 220 |
| Restaurants and Establishments Providing Food And Beverage Service | |
| 29 CFR §779.386. Restaurants may qualify as exempt 13(a)(2) establishments. | 221 |
| 29 CFR §779.387. “Restaurant” exemption under section 13(b) (8)..... | 221 |
| 29 CFR §779.388. Exemption provided for food or beverage service employees. | 221 |
| Subpart E. Provisions Relating to Certain Employees of Retail or Service Establishments | |
| General Principles | |
| 29 CFR §779.400. Purpose of subpart. | 222 |
| Executive, Administrative, and Professional Employees and Outside Salesmen | |
| 29 CFR §779.401. Statutory provision. | 222 |
| 29 CFR §779.402. “Executive” and “administrative” employees defined..... | 222 |
| 29 CFR §779.403. Administrative and executive employees in covered enterprises employed in other than retail or service establishments. | 222 |
| 29 CFR §779.404. Other section 13(a)(1) employees employed in covered enterprises. | 222 |
| Students, Learners, and Handicapped Workers | |
| 29 CFR §779.405. Statutory provisions. | 222 |
| 29 CFR §779.406. “Student-learners”..... | 223 |
| 29 CFR §779.407. Learners other than “student-learners”..... | 223 |
| 29 CFR §779.408. “Full-time students”..... | 223 |
| 29 CFR §779.409. Handicapped workers. | 223 |
| Employees Compensated Principally by Commissions | |
| 29 CFR §779.410. Statutory provision. | 223 |
| 29 CFR §779.411. Employee of a “retail or service establishment”..... | 224 |
| 29 CFR §779.412. Compensation requirements for overtime pay exemption under section 7(i)..... | 224 |
| 29 CFR §779.413. Methods of compensation of retail store employees. | 224 |
| 29 CFR §779.414. Types of employment in which this overtime pay exemption may apply..... | 224 |
| 29 CFR §779.415. Computing employee’s compensation for the representative period. | 224 |
| 29 CFR §779.416. What compensation “represents commissions.”..... | 224 |
| 29 CFR §779.417. The “representative period” for testing employee’s compensation..... | 225 |
| 29 CFR §779.418. Grace period for computing portion of compensation representing commissions. | 225 |
| 29 CFR §779.419. Dependence of the section 7(i) overtime pay exemption upon the level of the employee’s “regular rate” of pay. | 226 |
| 29 CFR §779.420. Recordkeeping requirements. | 226 |
| 29 CFR §779.421. Basic rate for computing overtime compensation of nonexempt employees receiving commissions. | 226 |
| Subpart F. Other Provisions Which May Affect Retail Enterprises | |
| General | |
| 29 CFR §779.500. Purpose of subpart. | 226 |
| Equal Pay Provisions | |
| 29 CFR §779.501. Statutory provisions. | 226 |
| Child Labor Provisions | |
| 29 CFR §779.502. Statutory provisions; regulations in Part 1500 of this title. | 227 |
| 29 CFR §779.503. The retailer and section 12(a). | 227 |
| 29 CFR §779.504. The retailer and section 12(c). | 227 |
| 29 CFR §779.505. “Oppressive child labor” defined. | 227 |
| 29 CFR §779.506. Sixteen-year minimum. | 227 |
| 29 CFR §779.507. Fourteen-year minimum. | 227 |
| 29 CFR §779.508. Eighteen-year minimum. | 228 |
| Driver or Driver’s Helper Making Local Deliveries | |
| 29 CFR §779.509. Statutory provision. | 228 |
| 29 CFR §779.510. Conditions that must be met for section 13(b)(11) exemption. | 228 |
| 29 CFR §779.511. “Finding by Secretary.”..... | 228 |

Records to Be Kept by Employers

29 CFR §779.512. The recordkeeping regulations. 228
29 CFR §779.513. Order and form of records. 228
29 CFR §779.514. Period for preserving records. 228
29 CFR §779.515. Regulations should be consulted. 228

29 CFR PART 780. EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS UNDER THE FAIR LABOR STANDARDS ACT

Subpart A. Introductory

29 CFR §780.0. Purpose of interpretative bulletins in this part. 228
29 CFR §780.1. General scope of the Act. 228
29 CFR §780.2. Exemptions from Act’s requirements. 229
29 CFR §780.3. Exemptions discussed in this part. 229
29 CFR §780.4. Matters not discussed in this part. 229
29 CFR §780.5. Significance of official interpretations. 229
29 CFR §780.6. Basic support for interpretations. 229
29 CFR §780.7. Reliance on interpretations. 229
29 CFR §780.8. Interpretations made, continued, and superseded by this part. 230
29 CFR §780.9. Related exemptions are interpreted together. 230
29 CFR §780.10. Workweek standard in applying exemptions. 230
29 CFR §780.11. Exempt and nonexempt work during the same workweek. 230
29 CFR §780.12. Work exempt under another section of the Act. 230

Subpart B. General Scope of Agriculture

Introductory

29 CFR §780.100. Scope and significance of interpretative bulletin. 230
29 CFR §780.101. Matters discussed in this subpart. 230
29 CFR §780.102. Pay requirements for agricultural employees. 231
29 CFR §780.103. “Agriculture” as defined by the Act. 231
29 CFR §780.104. How modern specialization affects the scope of agriculture. 231
29 CFR §780.105. “Primary” and “secondary” agriculture under section 3(f). 231

Exemption for “Primary” Agriculture Generally

29 CFR §780.106. Employment in “primary” agriculture is farming regardless of why or where work is performed. 231

Farming in All Its Branches

29 CFR §780.107. Scope of the statutory term. 231
29 CFR §780.108. Listed activities. 231
29 CFR §780.109. Termination of whether unlisted activities are “farming.” 231

Cultivating and Tillage of the Soil

29 CFR §780.110. Operations included in “cultivation and tillage of the soil.” 232

Dairying

29 CFR §780.111. “Dairying” as a farming operation. 232

Agricultural or Horticultural Commodities

29 CFR §780.112. General meaning of “agriculture or horticultural commodities.” 232
29 CFR §780.113. Seeds, spawn, etc. 232
29 CFR §780.114. Wild commodities. 232
29 CFR §780.115. Forest products. 232
29 CFR §780.116. Commodities included by reference to the Agricultural Marketing Act. 232

“Production, Cultivation, Growing, and Harvesting” of Commodities

29 CFR §780.117. “Production, cultivation, growing.” 233
29 CFR §780.118. “Harvesting.” 233

Raising of Livestock, Bees, Fur Bearing Animals, or Poultry

29 CFR §780.119. Employment in the specified operations generally. 233
29 CFR §780.120. Raising of “livestock.” 233
29 CFR §780.121. What constitutes “raising” of livestock. 233
29 CFR §780.122. Activities relating to race horses. 234
29 CFR §780.123. Raising of bees. 234
29 CFR §780.124. Raising of fur-bearing animals. 234
29 CFR §780.125. Raising of poultry in general. 234
29 CFR §780.126. Contract arrangements for raising poultry. 234
29 CFR §780.127. Hatchery operations. 234

Practices Exempt Under “Secondary” Meaning of Agriculture Generally

29 CFR §780.128. General statement on “secondary” agriculture. 234
29 CFR §780.129. Required relationship of practices to farming operations. 234

Practices Performed “By a Farmer”

29 CFR §780.130. Performance “by a farmer” generally. 235
29 CFR §780.131. Operations which constitute one a “farmer.” 235
29 CFR §780.132. Operations must be performed “by” a farmer. 235
29 CFR §780.133. Farmers’ cooperative as a “farmer.” 235

| | |
|---|-----|
| Practices Performed “On a Farm” | |
| 29 CFR §780.134. Performance “on a farm” generally..... | 235 |
| 29 CFR §780.135. Meaning of “farm.”..... | 235 |
| 29 CFR §780.136. Employment in practices on a farm. | 236 |
| “Such Farming Operation” of the Farmer | |
| 29 CFR §780.137. Practices must be performed in connection with farmer’s own farming. | 236 |
| 29 CFR §780.138. Application of the general principles. | 236 |
| 29 CFR §780.139. Pea vining..... | 236 |
| 29 CFR §780.140. Place of performing the practice as a factor. | 236 |
| “Such Farming Operations” on the farm | |
| 29 CFR §780.141. Practices must relate to farming operations on the particular farm..... | 237 |
| 29 CFR §780.142. Practices on a farm not related to farming operations. | 237 |
| 29 CFR §780.143. Practices on a farm not performed for the farmer. | 237 |
| Performance of the Practice “As an Incident to or in Conjunction With” the Farming Operations | |
| 29 CFR §780.144. “As an incident to or in conjunction with” the farming operations..... | 237 |
| 29 CFR §780.145. The relationship is determined by consideration of all relevant factors..... | 237 |
| 29 CFR §780.146. Importance of relationship of the practice to farming generally..... | 237 |
| 29 CFR §780.147. Practices performed on farm products — special factors considered. | 238 |
| Practices Included When Performed as Provided in Section 3(f) | |
| 29 CFR §780.148. “Any” practices meeting the requirements will qualify for exemption. | 238 |
| 29 CFR §780.149. Named practices as well as others must meet the requirements. | 238 |
| Preparation for Market | |
| 29 CFR §780.150. Scope and limits of “preparation for market.”..... | 238 |
| 29 CFR §780.151. Particular operations on commodities..... | 238 |
| Specified Delivery Operations | |
| 29 CFR §780.152. General scope of specified delivery operations. | 239 |
| 29 CFR §780.153. Delivery “to storage.”..... | 239 |
| 29 CFR §780.154. Delivery “to market.”..... | 239 |
| 29 CFR §780.155. Delivery “to carriers for transportation to market.”..... | 239 |
| Transportation Operations Not Mentioned in Section 3(f) | |
| 29 CFR §780.156. Transportation of farm products from the fields or farm..... | 239 |
| 29 CFR §780.157. Other transportation incident to farming. | 239 |
| Other Unlisted Practices Which May Be Within Section 3(f) | |
| 29 CFR §780.158. Examples of other practices within section 3(f) if requirements are met..... | 240 |
| 29 CFR §780.159. Forest products..... | 240 |
| Subpart C. Agriculture as It Relates to Specific Situations | |
| Forestry or Lumbering Operations | |
| 29 CFR §780.200. Inclusion of forestry or lumbering operations in agriculture is limited. | 240 |
| 29 CFR §780.201. Meaning of “forestry or lumbering operations.”..... | 240 |
| 29 CFR §780.202. Subordination to farming operations is necessary for exemption. | 240 |
| 29 CFR §780.203. Performance of operations on a farm but not by the farmer. | 240 |
| 29 CFR §780.204. Number of employees engaged in operations not material..... | 241 |
| Nursery and Landscaping Operations | |
| 29 CFR §780.205. Nursery activities generally. | 241 |
| 29 CFR §780.206. Planting and lawn mowing. | 241 |
| 29 CFR §780.207. Operations with respect to wild plants..... | 241 |
| 29 CFR §780.208. Forest and Christmas tree activities..... | 241 |
| 29 CFR §780.209. Packing, storage, warehousing, and sale of nursery products..... | 241 |
| Hatchery Operations | |
| 29 CFR §780.210. The typical hatchery operations constitute “agriculture.”..... | 241 |
| 29 CFR §780.211. Contract production of hatching eggs..... | 241 |
| 29 CFR §780.212. Hatchery employees working on farms. | 242 |
| 29 CFR §780.213. Produce business..... | 242 |
| 29 CFR §780.214. Feed sales and other activities..... | 242 |
| 29 CFR §780.215. Meaning of forestry or lumbering operations. | 242 |
| 29 CFR §780.216. Nursery activities generally and Christmas tree production..... | 242 |
| 29 CFR §780.217. Forestry activities..... | 242 |
| 29 CFR PART 782. EXEMPTION FROM MAXIMUM HOURS PROVISIONS FOR CERTAIN EMPLOYEES OF MOTOR CARRIERS | |
| 29 CFR §782.0. Introductory statement. | 242 |
| 29 CFR §782.1. Statutory provisions considered. | 243 |
| 29 CFR §782.2. Requirements for exemption in general..... | 243 |
| 29 CFR §782.3. Drivers..... | 245 |
| 29 CFR §782.4. Drivers’ helpers. | 245 |
| 29 CFR §782.5. Loaders..... | 246 |
| 29 CFR §782.6. Mechanics. | 246 |
| 29 CFR §782.7. Interstate commerce requirements of exemption. | 248 |
| 29 CFR §782.8. Special classes of carriers..... | 249 |

29 CFR PART 783. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO EMPLOYEES EMPLOYED

AS SEAMEN

Introductory

| | |
|--|-----|
| 29 CFR §783.0. Purpose of this part..... | 250 |
| 29 CFR §783.1. General scope of the Act..... | 250 |
| 29 CFR §783.2. Matters discussed in this part..... | 250 |
| 29 CFR §783.3. Significance of official interpretations..... | 250 |
| 29 CFR §783.4. Basic support for interpretations..... | 250 |
| 29 CFR §783.5. Interpretations made, continued, and superseded by this part..... | 250 |

Some Basic Definitions

| | |
|--|-----|
| 29 CFR §783.6. Definitions of terms used in the Act..... | 251 |
| 29 CFR §783.7. “Employer”, “employee”, and “employ”..... | 251 |
| 29 CFR §783.8. “Person”..... | 251 |
| 29 CFR §783.9. “Enterprise”..... | 251 |
| 29 CFR §783.10. “Establishment”..... | 251 |
| 29 CFR §783.11. “Enterprise engaged in commerce or in the production of goods for commerce”..... | 251 |
| 29 CFR §783.12. “Commerce”..... | 251 |
| 29 CFR §783.13. “Production”..... | 251 |
| 29 CFR §783.14. “Goods”..... | 251 |
| 29 CFR §783.15. “State”..... | 252 |
| 29 CFR §783.16. “Wage”..... | 252 |
| 29 CFR §783.17. “American vessel”..... | 252 |

Application in General of the Act’s Provisions

| | |
|--|-----|
| 29 CFR §783.18. Commerce activities of employees..... | 252 |
| 29 CFR §783.19. Commerce activities of enterprises in which employee is employed..... | 252 |
| 29 CFR §783.20. Exemptions from the Act’s provisions..... | 252 |
| 29 CFR §783.21. Guiding principles for applying coverage and exemption provisions..... | 252 |
| 29 CFR §783.22. Pay standards for employees subject to “old” coverage of the Act..... | 253 |
| 29 CFR §783.23. Pay standards for “newly covered” employees..... | 253 |

The Statutory Provisions Regarding Seamen

| | |
|---|-----|
| 29 CFR §783.24. The section 13(a)(14) exemption..... | 253 |
| 29 CFR §783.25. The section 13(b)(6) exemption..... | 253 |
| 29 CFR §783.26. The section 6(b)(2) minimum wage requirement..... | 253 |
| 29 CFR §783.27. Scope of the provisions regarding “seamen”..... | 253 |

Legislative History and Judicial Construction of the Exemptions

| | |
|---|-----|
| 29 CFR §783.28. General legislative history..... | 253 |
| 29 CFR §783.29. Adoption of the exemption in the original 1938 Act..... | 253 |
| 29 CFR §783.30. The 1961 Amendments..... | 254 |

Who Is “Employed as a Seaman”

| | |
|--|-----|
| 29 CFR §783.31. Criteria for employment “as a seaman”..... | 254 |
| 29 CFR §783.32. “Seaman” includes crew members..... | 254 |
| 29 CFR §783.33. Employment “as a seaman” depends on the work actually performed..... | 254 |
| 29 CFR §783.34. Employees aboard vessels who are not “seamen”..... | 255 |
| 29 CFR §783.35. Employees serving as “watchmen” aboard vessels in port..... | 255 |
| 29 CFR §783.36. Barge tenders..... | 255 |
| 29 CFR §783.37. Enforcement policy for non-seaman’s work..... | 255 |

What Is an “American Vessel”

| | |
|--|-----|
| 29 CFR §783.38. Statutory definition of “American vessel”..... | 255 |
| 29 CFR §783.39. “Vessel” includes all means of water transportation..... | 255 |
| 29 CFR §783.40. “Documented” vessel..... | 255 |
| 29 CFR §783.41. “Numbered” vessel..... | 255 |
| 29 CFR §783.42. Vessels neither “documented” nor “numbered”..... | 256 |

Computation of Wages and Hours

| | |
|---|-----|
| 29 CFR §783.43. Computation of seaman’s minimum wage..... | 256 |
| 29 CFR §783.44. Board and lodging as wages..... | 256 |
| 29 CFR §783.45. Deductions from wages..... | 256 |
| 29 CFR §783.46. Hours worked..... | 256 |
| 29 CFR §783.47. Off-duty periods..... | 256 |

Application of the Exemptions

| | |
|--|-----|
| 29 CFR §783.48. Factors determining application of exemptions..... | 257 |
| 29 CFR §783.49. Workweek unit in applying the exemptions..... | 257 |
| 29 CFR §783.50. Work exempt under another section of the Act..... | 257 |
| 29 CFR §783.51. Seamen on a fishing vessel..... | 257 |

29 CFR PART 784. PROVISIONS OF THE FAIR LABOR STANDARDS ACT APPLICABLE TO FISHING AND OPERATIONS ON AQUATIC PRODUCTS

Subpart A. General

Introductory

| | |
|--|-----|
| 29 CFR §784.0. Purpose..... | 257 |
| 29 CFR §784.1. General scope of the Act..... | 257 |
| 29 CFR §784.2. Matters discussed in this part..... | 257 |
| 29 CFR §784.3. Matters discussed in other interpretations..... | 257 |
| 29 CFR §784.4. Significance of official interpretations..... | 258 |
| 29 CFR §784.5. Basic support for interpretations..... | 258 |
| 29 CFR §784.6. Interpretations made, continued, and superseded by this part..... | 258 |

Some Basic Definitions

| | |
|---|-----|
| 29 CFR §784.7. Definition of terms used in the Act..... | 258 |
| 29 CFR §784.8. “Employer,” “employee,” and “employ.”..... | 258 |
| 29 CFR §784.9. “Person.”..... | 258 |
| 29 CFR §784.10. “Enterprise.”..... | 258 |
| 29 CFR §784.11. “Establishment.”..... | 259 |
| 29 CFR §784.12. “Commerce.”..... | 259 |
| 29 CFR §784.13. “Production.”..... | 259 |
| 29 CFR §784.14. “Goods.”..... | 259 |
| 29 CFR §784.15. “State.”..... | 259 |
| 29 CFR §784.16. “Regular rate.”..... | 259 |

Application of Coverage and Exemptions Provisions of the Act

| | |
|--|-----|
| 29 CFR §784.17. Basic coverage in general..... | 259 |
| 29 CFR §784.18. Commerce activities of employees..... | 259 |
| 29 CFR §784.19. Commerce activities of enterprise in which employee is employed..... | 259 |
| 29 CFR §784.20. Exemptions from the Act’s provisions..... | 260 |
| 29 CFR §784.21. Guiding principles for applying coverage and exemption provisions..... | 260 |

Subpart B. Exemptions Provisions Relating to Fishing and Aquatic Products

The Statutory Provisions

| | |
|--|-----|
| 29 CFR §784.100. The section 13(a)(5) exemption..... | 260 |
|--|-----|

Legislative History of Exemptions

| | |
|--|-----|
| 29 CFR §784.102. General legislative history..... | 260 |
| 29 CFR §784.103. Adoption of the exemption in the original 1938 Act..... | 260 |
| 29 CFR §784.104. The 1949 amendments..... | 261 |
| 29 CFR §784.105. The 1961 amendments..... | 261 |

Principles Applicable to the Two Exemptions

| | |
|---|-----|
| 29 CFR §784.106. Relationship of employee’s work to the named operations..... | 261 |
| 29 CFR §784.107. Relationship of employee’s work to operations on the specified aquatic products..... | 261 |
| 29 CFR §784.108. Operations not included in named operations on forms of aquatic “life.”..... | 262 |
| 29 CFR §784.109. Manufacture of supplies for named operations is not exempt..... | 262 |
| 29 CFR §784.110. Performing operations both on nonaquatic products and named aquatic products..... | 262 |
| 29 CFR §784.111. Operations on named products with substantial amounts of other ingredients are not exempt..... | 262 |
| 29 CFR §784.112. Substantial amounts of nonaquatic products; enforcement policy..... | 262 |
| 29 CFR §784.113. Work related to named operations performed in off- or dead-season..... | 262 |
| 29 CFR §784.114. Application of exemptions on a workweek basis..... | 262 |
| 29 CFR §784.115. Exempt and noncovered work performed during the workweek..... | 263 |
| 29 CFR §784.116. Exempt and nonexempt work in the same workweek..... | 263 |
| 29 CFR §784.117. Combinations of exempt work..... | 263 |

General Character and Scope of the Section 13(a)(5) Exemption

| | |
|--|-----|
| 29 CFR §784.118. The exemption is intended for work affected by natural factors..... | 263 |
| 29 CFR §784.119. Effect of natural factors on named operations..... | 263 |
| 29 CFR §784.120. Application of exemption to “offshore” activities in general..... | 263 |
| 29 CFR §784.121. Exempt fisheries operations..... | 263 |
| 29 CFR §784.122. Operations performed as an integrated part of fishing..... | 264 |
| 29 CFR §784.123. Operations performed on fishing equipment..... | 264 |
| 29 CFR §784.124. Going to and returning from work..... | 264 |
| 29 CFR §784.125. Loading and unloading..... | 264 |
| 29 CFR §784.126. Operation of the fishing vessel..... | 264 |
| 29 CFR §784.127. Office and clerical employees under section 13(a)(5)..... | 264 |

First Processing, Canning, or Packing of Marine Products Under Section 13(a)(5)

| | |
|---|-----|
| 29 CFR §784.128. Requirements for exemption of first processing, etc., at sea..... | 264 |
| 29 CFR §784.129. “Marine products”..... | 265 |
| 29 CFR §784.130. “At sea.”..... | 265 |
| 29 CFR §784.131. “As an incident to, or in conjunction with”, fishing operations..... | 265 |
| 29 CFR §784.132. The exempt operations..... | 265 |
| 29 CFR §784.133. “First processing.”..... | 265 |
| 29 CFR §784.134. “Canning.”..... | 265 |
| 29 CFR §784.135. “Packing.”..... | 265 |

General Character and Scope of the Section 13(a)(4) Exemption

29 CFR §784.136. “Shore” activities exempted under section 13(b)(4). 266
29 CFR §784.137. Relationship of exemption to exemption for “offshore” activities..... 266
29 CFR §784.138. Perishable state of the aquatic product as affecting exemption..... 266
29 CFR §784.139. Scope of exempt operations in general..... 266
29 CFR §784.140. Fabrication and handling of supplies for use in named operations. 266
29 CFR §784.141. Examples of nonexempt employees. 267

“Canning”

29 CFR §784.142. Meaning and scope of “canning” as used in section 13(b)(4). 267
29 CFR §784.143. “Necessary preparatory operations.” 267
29 CFR §784.144. Preliminary processing by the canner..... 267
29 CFR §784.145. Preliminary processing by another employer as part of “canning.”..... 267
29 CFR §784.146. “Subsequent operations.”..... 267
29 CFR §784.147. Employees “employed in” canning. 268

Processing, Freezing, and Curing

29 CFR §784.148. General scope of processing, freezing, and curing activities..... 268
29 CFR §784.149. Typical operations that may qualify for exemption..... 268
29 CFR §784.150. Named operations performed on previously processed aquatic products..... 268
29 CFR §784.151. Operations performed after product is rendered nonperishable. 268
29 CFR §784.152. Operations performed on byproducts..... 268

Marketing, Storing, Packing for Shipment, and Distributing

29 CFR §784.153. General scope of named operations..... 268
29 CFR §784.154. Relationship to other operations as affecting exemption. 269
29 CFR §784.155. Activities performed in wholesale establishments..... 269

Application of Section 13(b)(4) in Certain Establishments

29 CFR §784.156. Establishments exclusively devoted to named operations. 269

29 CFR PART 785. HOURS WORKED

Subpart A. General Considerations

29 CFR §785.1. Introductory statement. 269
29 CFR §785.2. Decisions on interpretations; use of interpretations..... 269
29 CFR §785.3. Period of effectiveness of interpretations. 269
29 CFR §785.4. Application to Walsh-Healey Public Contracts Act. 270

Subpart B. Principles for Determination of Hours Worked

29 CFR §785.5. General requirements of sections 6 and 7 of the Fair Labor Standards Act. 270
29 CFR §785.6. Definition of “employ” and partial definition of “hours worked”. 270
29 CFR §785.7. Judicial construction..... 270
29 CFR §785.8. Effect of custom, contract, or agreement..... 270
29 CFR §785.9. Statutory exemptions..... 270

Subpart C. Applications of Principles

29 CFR §785.10. Scope of subpart. 270

Employees “Suffered or Permitted” to Work

29 CFR §785.11. General 270
29 CFR §785.12. Work performed away from the premises or job site..... 271
29 CFR §785.13. Duty of management. 271

Waiting Time

29 CFR §785.14. General 271
29 CFR §785.15. On duty. 271
29 CFR §785.16. Off duty..... 271
29 CFR §785.17. On-call time..... 271

Rest and Meal Periods

29 CFR §785.18. Rest 271
29 CFR §785.19. Meal. 271

Sleeping Time and Certain Other Activities

29 CFR §785.20. General 272
29 CFR §785.21. Less than 24-hour duty. 272
29 CFR §785.22. Duty of 24 hours or more..... 272
29 CFR §785.23. Employees residing on employer’s premises or working at home..... 272

Preparatory and Concluding Activities

29 CFR §785.24. Principles noted in Portal-to-Portal Bulletin. 272
29 CFR §785.25. Illustrative U.S. Supreme Court decisions..... 272
29 CFR §785.26. Section 3(o) of the Fair Labor Standards Act. 272

Lectures, Meetings and Training Programs

29 CFR §785.27. General 273
29 CFR §785.28. Involuntary attendance. 273
29 CFR §785.29. Training directly related to employee’s job. 273
29 CFR §785.30. Independent training. 273
29 CFR §785.31. Special situations. 273
29 CFR §785.32. Apprenticeship training..... 273

| | |
|---|-----|
| Travel time | |
| 29 CFR §785.33. General | 273 |
| 29 CFR §785.34. Effect of section 4 of the Portal-to-Portal Act..... | 273 |
| 29 CFR §785.35. Home to work; ordinary situation | 273 |
| 29 CFR §785.36. Home to work in emergency situations..... | 273 |
| 29 CFR §785.37. Home to work on special one-day assignment in another city..... | 274 |
| 29 CFR §785.38. Travel that is all in the day's work | 274 |
| 29 CFR §785.39. Travel away from home community..... | 274 |
| 29 CFR §785.40. When private automobile is used in travel away from home community..... | 274 |
| 29 CFR §785.41. Work performed while traveling..... | 274 |
| Adjusting Grievances, Medical Attention, Civic and Charitable Work, and Suggestion Systems | |
| 29 CFR §785.42. Adjusting grievances..... | 274 |
| 29 CFR §785.43. Medical attention..... | 274 |
| 29 CFR §785.44. Civic and charitable work..... | 274 |
| 29 CFR §785.45. Suggestion systems..... | 274 |
| Subpart D. Recording Working Time | |
| 29 CFR §785.46. Applicable regulations governing keeping of records..... | 274 |
| 29 CFR §785.47. Where records show insubstantial or insignificant periods of time..... | 274 |
| 29 CFR §785.48. Use of time clocks..... | 275 |
| Subpart E. Miscellaneous Provisions | |
| 29 CFR §785.49. Applicable provisions of the Fair Labor Standards Act..... | 275 |
| 29 CFR §785.50. Section 4 of the Portal-to-Portal Act..... | 275 |
| 29 CFR PART 786. MISCELLANEOUS EXEMPTIONS AND EXCLUSIONS FROM COVERAGE | |
| Subpart A. Carriers by Air | |
| 29 CFR §786.1. Enforcement policy concerning performance of nonexempt work..... | 275 |
| Subpart B. [Reserved] | |
| Subpart C. Switchboard Operator Exemption | |
| 29 CFR §786.100. Enforcement policy concerning performance of nonexempt work..... | 276 |
| Subpart D. Employers Subject to Part 1 of Interstate Commerce Act | |
| 29 CFR §786.150. Enforcement policy concerning performance of nonexempt work..... | 276 |
| Subpart E. Taxicab Operators | |
| 29 CFR §786.200. Enforcement policy concerning performance of nonexempt work..... | 276 |
| Subpart F. Newspaper Publishing | |
| 29 CFR §786.250. Enforcement policy..... | 276 |
| Subpart G—Youth Opportunity Wage | |
| 29 CFR §786.300. Application of the youth opportunity wage..... | 276 |
| Subpart H—Volunteers at Private Non-Profit Food Banks | |
| 29 CFR §786.350. Exclusion from definition of “employee” of volunteers at private nonprofit food banks..... | 276 |
| 29 CFR PART 789. GENERAL STATEMENT ON THE PROVISIONS OF SECTION 12(A) AND SECTION 15(A)(1) OF THE FAIR LABOR STANDARDS ACT OF 1938, RELATING TO WRITTEN ASSURANCES | |
| 29 CFR §789.0. Introductory statement..... | 276 |
| 29 CFR §789.1. Statutory provisions and legislative history..... | 277 |
| 29 CFR §789.2. “*** in reliance on written assurance from the producer ***”..... | 277 |
| 29 CFR §789.3. “*** goods were produced in compliance with” *** the requirements referred to..... | 277 |
| 29 CFR §789.4. Scope and content of assurances of compliance..... | 278 |
| 29 CFR §789.5. “*** acquired *** in good faith *** for value without notice ***.”..... | 278 |
| 29 CFR PART 790. GENERAL STATEMENT AS TO THE EFFECT OF THE PORTAL-TO-PORTAL ACT OF 1947 ON THE FAIR LABOR STANDARDS ACT OF 1938 | |
| General | |
| 29 CFR §790.1. Introductory statement..... | 278 |
| 29 CFR §790.2. Interrelationship of the two acts..... | 279 |
| Provisions Relating to Certain Activities Engaged in by Employees on or After May 14, 1947 | |
| 29 CFR §790.3. Provisions of the statute..... | 279 |
| 29 CFR §790.4. Liability of employer; effect of contract, custom, or practice..... | 279 |
| 29 CFR §790.5. Effect of Portal-to-Portal Act on determination of hours worked..... | 280 |
| 29 CFR §790.6. Periods within the “workday” unaffected..... | 280 |
| 29 CFR §790.7. “Preliminary” and “postliminary” activities..... | 281 |
| 29 CFR §790.8. “Principal” activities..... | 281 |
| 29 CFR §790.9. “Compensable *** by an express provision of a written or nonwritten contract.”..... | 282 |
| 29 CFR §790.10. “Compensable *** by a custom or practice.”..... | 282 |
| 29 CFR §790.11. Contract, custom or practice in effect “at the time of such activity.”..... | 283 |
| 29 CFR §790.12. “Portion of the day.”..... | 283 |

| | |
|---|-----|
| Defense of Good Faith Reliance on Administrative Regulations, etc. | |
| 29 CFR §790.13. General nature of defense..... | 283 |
| 29 CFR §790.14. “In conformity with.”..... | 283 |
| 29 CFR §790.15. “Good faith.”..... | 284 |
| 29 CFR §790.16. “In reliance on.”..... | 284 |
| 29 CFR §790.17. “Administrative regulation, order, ruling, approval, or interpretation.”..... | 284 |
| 29 CFR §790.18. “Administrative practice or enforcement policy.”..... | 285 |
| 29 CFR §790.19. “Agency of the United States.”..... | 286 |
| Restrictions and Limitations on Employee Suits | |
| 29 CFR §790.20. Right of employees to sue; restrictions on representative actions..... | 286 |
| 29 CFR §790.21. Time for bringing employee suits..... | 286 |
| 29 CFR §790.22. Discretion of court as to assessment of liquidated damages..... | 287 |
| | |
| 29 CFR PART 791. JOINT EMPLOYER STATUS UNDER THE FAIR LABOR STANDARDS ACT | |
| 29 CFR §791.1. Introductory statement..... | 287 |
| 29 CFR §791.2. Joint employment..... | 287 |
| 29 CFR §791.3. Severability..... | 290 |
| | |
| 29 CFR PART 793. EXEMPTION OF CERTAIN RADIO AND TELEVISION STATION EMPLOYEES FROM OVERTIME PAY REQUIREMENTS UNDER SECTION 13(B)(9) OF THE FAIR LABOR STANDARDS ACT | |
| Introductory | |
| 29 CFR §793.0. Purpose of interpretative bulletin..... | 290 |
| 29 CFR §793.1. Reliance upon interpretations..... | 290 |
| 29 CFR §793.2. General explanatory statement..... | 290 |
| Requirements for Exemption | |
| 29 CFR §793.3. Statutory provision..... | 290 |
| 29 CFR §793.4. General requirements for exemption..... | 290 |
| 29 CFR §793.5. What determines application of the exemption..... | 290 |
| 29 CFR §793.6. Exemption limited to employees in named occupations..... | 291 |
| 29 CFR §793.7. “Announcer.”..... | 291 |
| 29 CFR §793.8. “News editor.”..... | 291 |
| 29 CFR §793.9. “Chief engineer.”..... | 291 |
| 29 CFR §793.10. Primary employment in named occupation..... | 291 |
| 29 CFR §793.11. Combination announcer, news editor and chief engineer..... | 291 |
| 29 CFR §793.12. Related and incidental work..... | 291 |
| 29 CFR §793.13. Limitation on related and incidental work..... | 291 |
| 29 CFR §793.14. Employed by..... | 291 |
| 29 CFR §793.15. Duties away from the station..... | 292 |
| 29 CFR §793.16. “Radio or television station.”..... | 292 |
| 29 CFR §793.17. “Major studio.”..... | 292 |
| 29 CFR §793.18. Location of “major studio.”..... | 292 |
| Workweek Application of Exemption | |
| 29 CFR §793.19. Workweek is used in applying the exemption..... | 292 |
| 29 CFR §793.20. Exclusive engagement in exempt work..... | 292 |
| 29 CFR §793.21. Exempt and nonexempt work..... | 292 |
| | |
| 29 CFR PART 794. PARTIAL OVERTIME EXEMPTION FOR EMPLOYEES OF WHOLESALE OR BULK PETROLEUM DISTRIBUTORS UNDER SECTION 7(B)(3) OF THE FAIR LABOR STANDARDS ACT | |
| Subpart A. General | |
| 29 CFR §794.1. General scope of the Act..... | 293 |
| 29 CFR §794.2. Purpose of this part..... | 293 |
| 29 CFR §794.3. Matters discussed in this part..... | 293 |
| 29 CFR §794.4. Significance of official interpretations..... | 293 |
| 29 CFR §794.5. Basic support for interpretations..... | 293 |
| 29 CFR §794.6. Reliance on interpretations..... | 293 |
| 29 CFR §794.7. Interpretations made, continued, and superseded by this part..... | 293 |
| Subpart B. Exemption From Overtime Pay Requirement Under Section 7(b)(3) of the Act | |
| Scope and Application in General | |
| 29 CFR §794.100. The statutory provision..... | 294 |
| 29 CFR §794.101. Intended scope of exemption..... | 294 |
| 29 CFR §794.102. Guides for construing exemptions..... | 294 |
| 29 CFR §794.103. Dependence of exemption on engagement in described distribution..... | 294 |
| 29 CFR §794.104. Enterprises engaged in described distribution and in other activities..... | 294 |
| 29 CFR §794.105. Other requirements for exemption..... | 295 |
| The “Enterprise” | |
| 29 CFR §794.106. Statutory definition of “enterprise.”..... | 295 |
| 29 CFR §794.107. “Establishment” distinguished..... | 295 |
| 29 CFR §794.108. Scope of enterprise must be known before exemption tests can be applied..... | 295 |

| | |
|---|-----|
| 29 CFR §794.109. Statutory basis for inclusion of activities in enterprise..... | 295 |
| 29 CFR §794.110. Activities excluded from the enterprise by the statute..... | 295 |
| 29 CFR §794.111. General characteristics of the statutory enterprise..... | 295 |
| “Independently Owned and Controlled Local Enterprise” | |
| 29 CFR §794.112. Only independent and local enterprises qualify for exemption..... | 295 |
| 29 CFR §794.113. The enterprise must be “local.”..... | 296 |
| 29 CFR §794.114. The enterprise must be “independently owned and controlled.”..... | 296 |
| 29 CFR §794.115. “Independently owned.”..... | 296 |
| 29 CFR §794.116. “Independently *** controlled.”..... | 296 |
| 29 CFR §794.117. Effect of franchises and other arrangements..... | 297 |
| 29 CFR §794.118. Effect of unrelated activities..... | 297 |
| Annual Gross Volume of Sales | |
| 29 CFR §794.119. Dependence of exemption on sales volume of the enterprise..... | 297 |
| 29 CFR §794.120. Meaning of “annual gross volume of sales.”..... | 297 |
| 29 CFR §794.121. Exclusion of excise taxes..... | 297 |
| 29 CFR §794.122. Ascertainment of “annual” gross sales volume..... | 297 |
| 29 CFR §794.123. Method of computing annual volume of sales..... | 297 |
| 29 CFR §794.124. Computations on a fiscal year basis..... | 298 |
| 29 CFR §794.125. Grace period of 1 month for compliance..... | 298 |
| 29 CFR §794.126. Computations for a new business..... | 298 |
| Sales Made Within the State | |
| 29 CFR §794.127. Exemption conditioned on making 75 percent of sales within the State..... | 298 |
| 29 CFR §794.128. Sales made to out-of-State customers..... | 298 |
| 29 CFR §794.129. Sales “made within the State” not limited to noncovered activity..... | 298 |
| Sales Made to Other Bulk Distributors | |
| 29 CFR §794.130. Not more than 25 percent of sales may be to customers engaged in bulk distribution of petroleum products for resale..... | 298 |
| 29 CFR §794.131. “Customer *** engaged in bulk distribution”..... | 298 |
| 29 CFR §794.132. “Petroleum products”..... | 299 |
| 29 CFR §794.133. “Bulk” distribution..... | 299 |
| 29 CFR §794.134. Distribution “for resale.”..... | 299 |
| Application of Exemption to Employees | |
| 29 CFR §794.135. Employees who are exempt..... | 299 |
| 29 CFR §794.136. Employees whose activities may qualify them for exemption..... | 299 |
| 29 CFR §794.137. Effect of activities other than “wholesale or bulk distribution of petroleum products.”..... | 299 |
| 29 CFR §794.138. Workweek unit in applying the exemption..... | 299 |
| 29 CFR §794.139. Exempt and nonexempt activities in the workweek..... | 300 |
| 29 CFR §794.140. Compensation requirements for a workweek under section 7(b)(3)..... | 300 |
| 29 CFR §794.141. Workweeks when hours worked do not exceed 12 in any day or 56 in the week; compensation requirements..... | 300 |
| 29 CFR §794.142. Special compensation when overtime in excess of 12 daily or 56 weekly hours is worked in the workweek..... | 300 |
| 29 CFR §794.143. Work exempt under another section of the Act..... | 301 |
| Records to be Kept by Employers | |
| 29 CFR §794.144. Records to be maintained..... | 301 |

FAMILY AND MEDICAL LEAVE

FAMILY AND MEDICAL LEAVE ACT (LAW)

U.S. Code, Title 29 – Labor

Chapter 28 – Family And Medical Leave

| | |
|---|-----|
| 29 USC §2601. Findings and purposes..... | 304 |
| Subchapter I. General Requirements for Leave | |
| 29 USC §2611. Definitions..... | 304 |
| 29 USC §2612. Leave requirement..... | 305 |
| 29 USC §2613. Certification..... | 307 |
| 29 USC §2614. Employment and benefits protection..... | 308 |
| 29 USC §2615. Prohibited acts..... | 308 |
| 29 USC §2616. Investigative authority..... | 309 |
| 29 USC §2617. Enforcement..... | 309 |
| 29 USC §2618. Special rules concerning employees of local educational agencies..... | 310 |
| 29 USC §2619. Notice..... | 310 |
| Subchapter II. Commission on Leave | |
| 29 USC §2631. Establishment..... | 310 |
| 29 USC §2632. Duties..... | 310 |
| 29 USC §2633. Membership..... | 311 |
| 29 USC §2634. Compensation..... | 311 |
| 29 USC §2635. Powers..... | 311 |
| 29 USC §2636. Termination..... | 311 |

Subchapter III. Miscellaneous Provisions

| | |
|---|-----|
| 29 USC §2651. Effect on other laws. | 312 |
| 29 USC §2652. Effect on existing employment benefits. | 312 |
| 29 USC §2653. Encouragement of more generous leave policies. | 312 |
| 29 USC §2654. Regulations. | 312 |

FAMILY AND MEDICAL LEAVE ACT (REGULATIONS)

Code of Federal Regulations, Title 29 – Labor

Chapter V – Wage and Hour Division, Department of Labor

29 CFR PART 825. THE FAMILY AND MEDICAL LEAVE ACT OF 1993

Subpart A. Coverage Under the Family and Medical Leave Act

| | |
|--|-----|
| 29 CFR §825.100. The Family and Medical Leave Act. | 313 |
| 29 CFR §825.101. Purpose of the Act. | 313 |
| 29 CFR §825.102. Definitions. | 313 |
| 29 CFR §825.103. [Reserved]. | 317 |
| 29 CFR §825.104. Covered employer. | 317 |
| 29 CFR §825.105. Counting employees for determining coverage. | 317 |
| 29 CFR §825.106. Joint employer coverage. | 318 |
| 29 CFR §825.107. Successor in interest coverage. | 318 |
| 29 CFR §825.108. Public agency coverage. | 319 |
| 29 CFR §825.109. Federal agency coverage. | 319 |
| 29 CFR §825.110. Eligible employee. | 319 |
| 29 CFR §825.111. Determining whether 50 employees are employed within 75 miles. | 320 |
| 29 CFR §825.112. Qualifying reasons for leave, general rule. | 321 |
| 29 CFR §825.113. Serious health condition. | 321 |
| 29 CFR §825.114. Inpatient care. | 321 |
| 29 CFR §825.115. Continuing treatment. | 321 |
| 29 CFR §825.116. [Reserved]. | 322 |
| 29 CFR §825.117. [Reserved]. | 322 |
| 29 CFR §825.118. [Reserved]. | 322 |
| 29 CFR §825.119. Leave for treatment of substance abuse. | 322 |
| 29 CFR §825.120. Leave for pregnancy or birth. | 322 |
| 29 CFR §825.121. Leave for adoption or foster care. | 322 |
| 29 CFR §825.122. Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on covered active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember. | 323 |
| 29 CFR §825.123. Unable to perform the functions of the position. | 324 |
| 29 CFR §825.124. Needed to care for a family member or covered servicemember. | 324 |
| 29 CFR §825.125. Definition of health care provider. | 324 |
| 29 CFR §825.126. Leave because of a qualifying exigency. | 325 |
| 29 CFR §825.127. Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave). | 326 |

Subpart B. Employee Leave Entitlements Under the Family and Medical Leave Act

| | |
|---|-----|
| 29 CFR §825.200. Amount of leave. | 327 |
| 29 CFR §825.201. Leave to care for a parent. | 328 |
| 29 CFR §825.202. Intermittent leave or reduced leave schedule. | 328 |
| 29 CFR §825.203. Scheduling of intermittent or reduced schedule leave. | 329 |
| 29 CFR §825.204. Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave. | 329 |
| 29 CFR §825.205. Increments of FMLA leave for intermittent or reduced schedule leave. | 329 |
| 29 CFR §825.206. Interaction with the FLSA. | 330 |
| 29 CFR §825.207. Substitution of paid leave. | 330 |
| 29 CFR §825.208. [Reserved]. | 331 |
| 29 CFR §825.209. Maintenance of employee benefits. | 331 |
| 29 CFR §825.210. Employee payment of group health benefit premiums. | 332 |
| 29 CFR §825.211. Maintenance of benefits under multi-employer health plans. | 332 |
| 29 CFR §825.212. Employee failure to pay health plan premium payments. | 332 |
| 29 CFR §825.213. Employer recovery of benefit costs. | 333 |
| 29 CFR §825.214. Employee right to reinstatement. | 333 |
| 29 CFR §825.215. Equivalent position. | 333 |
| 29 CFR §825.216. Limitations on an employee's right to reinstatement. | 334 |
| 29 CFR §825.217. Key employee, general rule. | 335 |
| 29 CFR §825.218. Substantial and grievous economic injury. | 335 |
| 29 CFR §825.219. Rights of a key employee. | 335 |
| 29 CFR §825.220. Protection for employees who request leave or otherwise assert FMLA rights. | 335 |

Subpart C. Employee and Employer Rights and Obligations Under the Act

| | |
|--|-----|
| 29 CFR §825.300. Employer notice requirements. | 336 |
| 29 CFR §825.301. Designation of FMLA leave. | 337 |
| 29 CFR §825.302. Employee notice requirements for foreseeable FMLA leave. | 338 |
| 29 CFR §825.303. Employee notice requirements for unforeseeable FMLA leave. | 339 |
| 29 CFR §825.304. Employee failure to provide notice. | 339 |
| 29 CFR §825.305. Certification, general rule. | 340 |

| | |
|--|-----|
| 29 CFR §825.306. Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member..... | 340 |
| 29 CFR §825.307. Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions. | 341 |
| 29 CFR §825.308. Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member. | 342 |
| 29 CFR §825.309. Certification for leave taken because of a qualifying exigency. | 342 |
| 29 CFR §825.310. Certification for leave taken to care for a covered servicemember (military caregiver leave). | 343 |
| 29 CFR §825.311. Intent to return to work. | 344 |
| 29 CFR §825.312. Fitness-for-duty certification. | 344 |
| 29 CFR §825.313. Failure to provide certification. | 345 |
| Subpart D. Enforcement Mechanisms | |
| 29 CFR §825.400. Enforcement, general rules. | 345 |
| 29 CFR §825.401. Filing a complaint with the Federal Government. | 346 |
| 29 CFR §825.402. Violations of the posting requirement. | 346 |
| 29 CFR §825.403. Appealing the assessment of a penalty for willful violation of the posting requirement. | 346 |
| 29 CFR §825.404. Consequences for an employer when not paying the penalty assessment after a final order is issued. | 346 |
| Subpart E. Recordkeeping Requirements | |
| 29 CFR §825.500. Recordkeeping requirements. | 346 |
| Subpart F. Special Rules Applicable to Employees of Schools | |
| 29 CFR §825.600. Special rules for school employees, definitions. | 347 |
| 29 CFR §825.601. Special rules for school employees, limitations on intermittent leave. | 347 |
| 29 CFR §825.602. Special rules for school employees, limitations on leave near the end of an academic term. | 347 |
| 29 CFR §825.603. Special rules for school employees, duration of FMLA leave. | 348 |
| 29 CFR §825.604. Special rules for school employees, restoration to an equivalent position. | 348 |
| Subpart G. Effect of Other Laws, Employer Practices, and Collective Bargaining Agreements on Employee Rights Under FMLA | |
| 29 CFR §825.700. Interaction with employer's policies. | 348 |
| 29 CFR §825.701. Interaction with State laws. | 348 |
| 29 CFR §825.702. Interaction with Federal and State anti-discrimination laws. | 348 |
| Subpart H—Special Rules Applicable to Airline Flight Crew Employees | |
| 29 CFR §825.800. Special rules for airline flight crew employees, general. | 349 |
| 29 CFR §825.801. Special rules for airline flight crew employees, hours of service requirement. | 350 |
| 29 CFR §825.802. Special rules for airline flight crew employees, calculation of leave. | 350 |
| 29 CFR §825.803. Special rules for airline flight crew employees, recordkeeping requirements. | 350 |

IMMIGRATION AND EMPLOYMENT VERIFICATION

IMMIGRATION REFORM AND CONTROL ACT (LAW)

U.S. Code, Title 8 — Aliens and Nationality

Chapter 12 — Immigration and Nationality

Subchapter II — Immigration

Part VIII — General Penalty Provisions

| | |
|---|-----|
| 8 USC §1324a. Unlawful employment of aliens. | 352 |
| 8 USC §1324b. Unfair immigration-related employment practices. | 360 |
| 8 USC §1324c. Penalties for document fraud. | 362 |

IMMIGRATION REFORM AND CONTROL ACT (REGULATIONS)

Code Federal Regulations, Title 8 – Aliens and Nationality

Chapter I – Department of Homeland Security (Immigration and Naturalization)

Subchapter B – Immigration Regulations

8 CFR PART 274a. CONTROL OF EMPLOYMENT OF ALIENS

Subpart A. Employer Requirements

| | |
|---|-----|
| 8 CFR §274a.1. Definitions. | 364 |
| 8 CFR §274a.2. Verification of identity and employment authorization. | 365 |
| 8 CFR §274a.3. Continuing employment of unauthorized aliens. | 370 |
| 8 CFR §274a.4. Good faith defense. | 370 |
| 8 CFR §274a.5. Use of labor through contract. | 370 |
| 8 CFR §274a.6. State employment agencies. | 370 |
| 8 CFR §274a.7. Pre-enactment provisions for employees hired prior to November 7, 1986 or in the CNMI prior to the transition program effective date. | 371 |
| 8 CFR §274a.8. Prohibition of indemnity bonds. | 372 |
| 8 CFR §274a.9. Enforcement procedures. | 372 |
| 8 CFR §274a.10. Penalties. | 372 |
| 8 CFR §274a.11. [Reserved]..... | 373 |

Subpart B. Employment Authorization

| | |
|---|-----|
| 8 CFR §274a.12. Classes of aliens authorized to accept employment. | 373 |
| 8 CFR §274a.13. Application for employment authorization. | 377 |
| 8 CFR §274a.14. Termination of employment authorization. | 377 |

IMMIGRATION REFORM AND CONTROL ACT (REGULATIONS)
Code of Federal Regulations, Title 28 – Judicial Administration
Chapter I – Department of Justice

28 CFR PART 44. UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

| | |
|--|-----|
| 28 CFR §44.100. Purpose..... | 379 |
| 28 CFR §44.101. Definitions..... | 379 |
| 28 CFR §44.102. Computation of time..... | 380 |
| 28 CFR §44.200. Unfair immigration-related employment practices..... | 380 |
| 28 CFR §44.201. [Reserved]..... | 380 |
| 28 CFR §44.202. Counting employees for jurisdictional purposes..... | 380 |
| 28 CFR §44.300. Filing a charge..... | 380 |
| 28 CFR §44.301. Receipt of charge..... | 380 |
| 28 CFR §44.302. Investigation..... | 381 |
| 28 CFR §44.303. Determination..... | 381 |
| 28 CFR §44.304. Special Counsel acting on own initiative..... | 381 |
| 28 CFR §44.305. Regional offices..... | 381 |

28 CFR PART 85. CIVIL MONETARY PENALTIES INFLATION ADJUSTMENT

| | |
|--|-----|
| 28 CFR §85.1. In general..... | 381 |
| 28 CFR §85.2. [Reserved]..... | 382 |
| 28 CFR §85.3. Adjustments to penalties for violations occurring on or before November 2, 2015..... | 382 |
| 28 CFR §85.5. Adjustments to penalties for violations occurring after November 2, 2015..... | 382 |

IMMIGRATION REFORM AND CONTROL ACT (REGULATIONS)
Code of Federal Regulations, Title 48 – Federal Acquisition Regulations System

48 CFR PART 22. APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 22.18. Employment Eligibility Verification

| | |
|---------------------------------------|-----|
| 48 CFR §22.1800. Scope..... | 387 |
| 48 CFR §22.1801. Definitions..... | 387 |
| 48 CFR §22.1802. Policy..... | 387 |
| 48 CFR §22.1803. Contract clause..... | 388 |

48 CFR PART 52. SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 52.2. Text of Provisions and Clauses

| | |
|---|-----|
| 48 CFR §52.222–54. Employment Eligibility Verification..... | 388 |
|---|-----|

CHILD SUPPORT AND CREDITOR GARNISHMENT

CONSUMER CREDIT PROTECTION ACT (LAW)

U.S. Code, Title 15 – Commerce and Trade

Chapter 41 – Consumer Credit Protection

Subchapter II – Restrictions on Garnishment

| | |
|--|-----|
| 15 USC §1671. Congressional findings and declaration of purpose..... | 392 |
| 15 USC §1672. Definitions..... | 392 |
| 15 USC §1673. Restriction on garnishment..... | 392 |
| 15 USC §1674. Restriction on discharge from employment by reason of garnishment..... | 392 |
| 15 USC §1675. Exemption for State-regulated garnishments..... | 392 |
| 15 USC §1676. Enforcement by Secretary of Labor..... | 393 |
| 15 USC §1677. Effect on State laws..... | 393 |

CONSUMER CREDIT PROTECTION ACT (REGULATIONS)

Code of Federal Regulations, Title 29 – Labor

Subtitle B – Regulations Relating to Labor

Chapter V – Wage and Hour Division, Department of Labor

Subchapter D – Garnishment of Earnings

29 CFR PART 870. RESTRICTION ON GARNISHMENT

Subpart A. General

| | |
|---|-----|
| 29 CFR §870.1. Purpose and scope..... | 394 |
| 29 CFR §870.2. Amendments to this part..... | 394 |

Subpart B. Determinations and Interpretations

| | |
|--|-----|
| 29 CFR §870.10. Maximum part of aggregate disposable earnings subject to garnishment under section 303(a)..... | 394 |
| 29 CFR §870.11. Exceptions to the restrictions provided by section 303(a) of the CCPA and priorities among garnishments..... | 395 |

Subpart C. Exemption for State-regulated Garnishments

29 CFR §870.50. General provision..... 395
29 CFR §870.51. Exemption policy..... 395
29 CFR §870.52. Application for exemption of State-regulated garnishments..... 396
29 CFR §870.53. Action upon an application for exemption..... 396
29 CFR §870.54. Standards governing the granting of an application for exemption..... 396
29 CFR §870.55. Terms and conditions of every exemption..... 396
29 CFR §870.56. Termination of exemption..... 396
29 CFR §870.57. Exemptions..... 396

DEBT COLLECTION IMPROVEMENT ACT (LAW)

U.S. Code, Title 31 — Money and Finance

Subtitle III — Financial Management

Chapter 37 — Claims

Subchapter II — Claims of the United States Government

31 USC §3720D. Garnishment..... 397

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)

Code of Federal Regulations, Title 31 — Money and Finance: Treasury

Subtitle B — Regulations Relating to Money and Finance

Chapter II — Fiscal Services, Department of the Treasury

31 CFR PART 285. DEBT COLLECTION AUTHORITIES UNDER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996

31 CFR §285.11. Administrative wage garnishment..... 398

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)

Code of Federal Regulations, Title 29 — Labor

Subtitle B — Regulations Relating to Labor

Chapter I — National Labor Relations Board

Part 100 — Administrative Regulations

Subpart F — Debt Collection Procedures

29 CFR §100.615. Authorities other than offset..... 401

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)

Code of Federal Regulations, Title 34 — Education

Subtitle A — Office of the Secretary, Department of Education

34 CFR PART 34. ADMINISTRATIVE WAGE GARNISHMENT

34 CFR §34.1. Purpose of this part..... 402
34 CFR §34.2. Scope of this part..... 402
34 CFR §34.3. Definitions..... 402
34 CFR §34.4. Notice of proposed garnishment..... 402
34 CFR §34.5. Contents of a notice of proposed garnishment..... 402
34 CFR §34.6. Rights in connection with garnishment..... 403
34 CFR §34.7. Consideration of objection to the rate or amount of withholding..... 403
34 CFR §34.8. Providing a hearing..... 403
34 CFR §34.9. Conditions for an oral hearing..... 403
34 CFR §34.10. Conditions for a paper hearing..... 403
34 CFR §34.11. Timely request for a hearing..... 403
34 CFR §34.12. Request for reconsideration..... 404
34 CFR §34.13. Conduct of a hearing..... 404
34 CFR §34.14. Burden of proof..... 404
34 CFR §34.15. Consequences of failure to appear for an oral hearing..... 404
34 CFR §34.16. Issuance of the hearing decision..... 404
34 CFR §34.17. Content of decision..... 405
34 CFR §34.18. Issuance of the wage garnishment order..... 405
34 CFR §34.19. Amounts to be withheld under a garnishment order..... 405
34 CFR §34.20. Amount to be withheld under multiple garnishment orders..... 405
34 CFR §34.21. Employer certification..... 405
34 CFR §34.22. Employer responsibilities..... 405
34 CFR §34.23. Exclusions from garnishment..... 406
34 CFR §34.24. Claim of financial hardship by debtor subject to garnishment..... 406
34 CFR §34.25. Determination of financial hardship..... 406
34 CFR §34.26. Ending garnishment..... 406
34 CFR §34.27. Actions by employer prohibited by law..... 406
34 CFR §34.28. Refunds of amounts collected in error..... 406
34 CFR §34.29. Enforcement action against employer for noncompliance with garnishment order..... 406
34 CFR §34.30. Application of payments and accrual of interest..... 407

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)
Code of Federal Regulations, Title 45 – Public Welfare
SUBTITLE A – DEPARTMENT OF HEALTH AND HUMAN SERVICES
SUBCHAPTER A – GENERAL ADMINISTRATION

45 CFR PART 32. ADMINISTRATIVE WAGE GARNISHMENT

| | |
|--|-----|
| 45 CFR §32.1. Purpose and scope..... | 408 |
| 45 CFR §32.2. Definitions..... | 408 |
| 45 CFR §32.3. General rule..... | 409 |
| 45 CFR §32.4. Notice..... | 409 |
| 45 CFR §32.5. Hearing..... | 409 |
| 45 CFR §32.6. Withholding order..... | 410 |
| 45 CFR §32.7. Certification by employer..... | 410 |
| 45 CFR §32.8. Amounts withheld..... | 410 |
| 45 CFR §32.9. Financial hardship..... | 410 |
| 45 CFR §32.10. Refunds..... | 410 |
| 45 CFR §32.11. Ending garnishment..... | 410 |
| 45 CFR §32.12. Right of action..... | 411 |

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)
Code of Federal Regulations, Title 49 – Transportation
Subtitle A – Office of the Secretary of Transportation
Subchapter A – Collection of Claims
PART 89 – Implementation of the Federal Claims Collection Act

| | |
|---|-----|
| 49 CFR §89.35. Administrative wage garnishment..... | 412 |
|---|-----|

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)
Code of Federal Regulations, Title 41 – Public Contracts and Property Management
Chapter 105 – General Services Administration

41 CFR PART 105-57. ADMINISTRATION WAGE GARNISHMENT

| | |
|---|-----|
| 41 CFR §105–57.001. Purpose, authority and scope..... | 413 |
| 41 CFR §105–57.002. Definitions..... | 413 |
| 41 CFR §105–57.003. General rule..... | 414 |
| 41 CFR §105–57.004. Notice requirements..... | 414 |
| 41 CFR §105–57.005. Hearing..... | 414 |
| 41 CFR §105–57.006. Wage garnishment order..... | 415 |
| 41 CFR §105–57.007. Certification by employer..... | 415 |
| 41 CFR §105–57.008. Amounts withheld..... | 415 |
| 41 CFR §105–57.009. Exclusions from garnishment..... | 415 |
| 41 CFR §105–57.010. Financial hardship..... | 416 |
| 41 CFR §105–57.011. Ending garnishment..... | 416 |
| 41 CFR §105–57.012. Actions prohibited by the employer..... | 416 |
| 41 CFR §105–57.013. Refunds..... | 416 |
| 41 CFR §105–57.014. Right of action..... | 416 |

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)
Code of Federal Regulations, Title 20 – Employees’ Benefits
Chapter III – Social Security Administration

20 CFR PART 422. ORGANIZATION AND PROCEDURES
Subpart E—Collection of Debts by Administrative Wage Garnishment

| | |
|--|-----|
| 20 CFR §422.401. What is the scope of this subpart?..... | 417 |
| 20 CFR §422.402. What special definitions apply to this subpart?..... | 417 |
| 20 CFR §422.403. When may we use administrative wage garnishment?..... | 417 |
| 20 CFR §422.405. What notice will we send you about administrative wage garnishment?..... | 418 |
| 20 CFR §422.410. What actions will we take after we send you the notice?..... | 418 |
| 20 CFR §422.415. Will we reduce the amount that your employer must withhold from your pay when withholding that amount causes financial hardship?..... | 418 |
| 20 CFR §422.420. May you inspect and copy our records related to the debt?..... | 419 |
| 20 CFR §422.425. How will we conduct our review of the debt?..... | 419 |
| 20 CFR §422.430. When will we refund amounts of your pay withheld by administrative wage garnishment?..... | 419 |
| 20 CFR §422.435. What happens when we decide to send an administrative wage garnishment order to your employer?..... | 419 |
| 20 CFR §422.440. What are your employer’s responsibilities under an administrative wage garnishment order?..... | 419 |
| 20 CFR §422.445. May we bring a civil action against your employer for failure to comply with our administrative wage garnishment order?..... | 420 |

DEBT COLLECTION IMPROVEMENT ACT (REGULATIONS)

Code of Federal Regulations

Regulations of Other Agencies

| | |
|---|-----|
| Department of Labor | 421 |
| Federal Election Commission | 421 |
| Federal Housing Finance Agency | 421 |
| Federal Labor Relations Authority | 421 |
| Federal Trade Commission | 421 |
| Office of Natural Resources Revenue, Department of the Interior | 421 |
| Office of Personnel Management | 421 |
| Pension Benefit Guaranty Corporation..... | 421 |

FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS ACT (LAW)

U.S. Code, Title 28 — Judiciary and Judicial Procedure

Part V — Procedure

Chapter 115 — Evidence; Documentary

| | |
|--|-----|
| 28 USC §1738B. Full faith and credit for child support orders..... | 422 |
|--|-----|

CREDITOR GARNISHMENT: STUDENT LOANS (LAW)

U.S. Code, Title 20 — Education

Chapter 28 — Higher Education Resources and Student Assistance

Subchapter IV — Student Assistance

Part F — General Provisions Relating to Student Assistance Programs

| | |
|--|-----|
| 20 USC §1095a. Wage garnishment requirement..... | 424 |
|--|-----|

CREDITOR GARNISHMENT: STUDENT LOANS (REGULATIONS)

Code of Federal Regulations, Title 34 — Education

Chapter VI — Office Of Postsecondary Education, Department Of Education

34 CFR PART 682. FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

Subpart D. Administration of the Federal Family Education Loan Programs by a Guaranty Agency

| | |
|---|-----|
| 34 CFR §682.410. Fiscal, administrative, and enforcement requirements | 425 |
|---|-----|

CREDITOR GARNISHMENT: BANKRUPTCY PROVISIONS (LAW)

U.S. Code, Title 11 — Bankruptcy

Chapter 5 — Creditors, the Debtor, and the Estate

| | |
|------------------------------|-----|
| 11 USC §507. Priorities..... | 429 |
|------------------------------|-----|

| | |
|---|-----|
| 11 USC §523. Exceptions to discharge..... | 430 |
|---|-----|

CREDITOR GARNISHMENT: PAYROLL DEDUCTIONS (REGULATIONS)

Code of Federal Regulations, Title 16 — Commercial Practices

Chapter I — Federal Trade Commission

Subchapter D — Trade Regulation Rules

16 CFR PART 444. CREDIT PRACTICES

| | |
|---|-----|
| 16 CFR §444.2. Unfair credit practices..... | 432 |
|---|-----|

CHILD SUPPORT GARNISHMENT: State Requirements (LAW)

U.S. Code, Title 42 — The Public Health and Welfare

Chapter 7 — Social Security

Subchapter IV — Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services

Part D — Child Support and Establishment of Paternity

| | |
|---------------------------------------|-----|
| 42 USC §652. Duties of Secretary..... | 433 |
|---------------------------------------|-----|

| | |
|--|-----|
| 42 USC §653. Federal Parent Locator Service..... | 433 |
|--|-----|

| | |
|---|-----|
| 42 USC §653a. State Directory of New Hires..... | 438 |
|---|-----|

| | |
|--|-----|
| 42 USC §654. State plan for child and spousal support..... | 439 |
|--|-----|

| | |
|--|-----|
| 42 USC §654a. Automated data processing..... | 440 |
|--|-----|

| | |
|--|-----|
| 42 USC §654b. Collection and disbursement of support payments..... | 441 |
|--|-----|

| | |
|---|-----|
| 42 USC §659. Consent by the United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations..... | 441 |
|---|-----|

| | |
|--|-----|
| 42 USC §659a. International support enforcement..... | 443 |
|--|-----|

| | |
|--|-----|
| 42 USC §666. Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement..... | 444 |
|--|-----|

CHILD SUPPORT WITHHOLDING: STATE REQUIREMENTS (REGULATIONS)
Code of Federal Regulations, Title 45 — Public Welfare
Subtitle B — Regulations Relating to Public Welfare
Chapter 3 — Office of Child Support Enforcement (Child Support Enforcement Program),
Administration for Children and Families, Department of Health and Human Services

45 CFR PART 303. STANDARDS FOR PROGRAM OPERATIONS
45 CFR §303.100. Procedures for income withholding..... 451

CHILD SUPPORT GARNISHMENT: MEDICAL CHILD SUPPORT ORDERS (LAW)
U.S. Code, Title 42 — The Public Health and Welfare
Chapter 7 — Social Security
Subchapter XIX — Grants to States for Medical Assistance Programs
42 USC §1396g-1. Required laws relating to medical child support..... 454

CHILD SUPPORT GARNISHMENT: MEDICAL CHILD SUPPORT ORDERS (LAW)
U.S. Code, Title 29 — Labor
Chapter 18 — Employee Retirement Income Security Program
Subchapter I — Protection of Employee Benefit Rights
Subtitle B — Regulatory Provisions
Part 6 — Continuation Coverage and Additional Standards for Group Health Plans
29 USC §1169. Additional standards for group health plans..... 455

CHILD SUPPORT GARNISHMENT: MEDICAL CHILD SUPPORT ORDERS (REGULATIONS)
Code of Federal Regulations, Title 29 — Labor
Chapter XXV — Employee Benefits Security Administration, Department of Labor
Subchapter L — Group Health Plans

29 CFR PART 2590. RULES AND REGULATIONS FOR GROUP HEALTH PLAN REQUIREMENTS
Subpart A. Continuation Coverage, Qualified Medical Child Support Orders, Coverage for Adopted Children
29 CFR §2590.609-1. [Reserved]..... 457
29 CFR §2590.609-2. National Medical Support Notice..... 457

GOVERNMENT CONTRACTOR PROVISIONS

WALSH-HEALEY ACT (LAW)
U.S. Code, Title 41 — Public Contracts
Chapter 65 — Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$10,000
41 USC §6501. Definitions..... 460
41 USC §6502. Required contract terms..... 460
41 USC §6503. Breach or violation of required contract terms..... 460
41 USC §6504. Three-year prohibition on new contracts in case of breach or violation..... 460
41 USC §6505. Exclusions..... 461
41 USC §6506. Administrative provisions..... 461
41 USC §6507. Hearing authority and procedures..... 461
41 USC §6508. Authority to make exceptions..... 461
41 USC §6509. Other procedures..... 462
41 USC §6510. Manufacturers and regular dealers..... 462
41 USC §6511. Effect on other law..... 462

WALSH-HEALEY ACT (REGULATIONS)
Code of Federal Regulations, Title 41 — Public Contracts and Property Management
Subtitle B — Other Provisions Relating to Public Contracts
Chapter 50 — Public Contracts, Department of Labor

41 CFR PART 50-201. GENERAL REGULATIONS
41 CFR §50-201.1. The Walsh-Healey Public Contracts Act..... 463
41 CFR §50-201.2. Administration of the Act..... 463
41 CFR §50-201.3. Insertion of stipulations..... 463
41 CFR §50-201.4. Statutory exemptions..... 464
41 CFR §50-201.101. Employees affected..... 464
41 CFR §50-201.102. Overtime..... 464
41 CFR §50-201.103. Dealer as agent of undisclosed principal..... 465
41 CFR §50-201.104. Protection against unintentional employment of underage minors..... 465

| | |
|---|-----|
| 41 CFR §50-201.105. Hours worked..... | 465 |
| 41 CFR §50-201.201. Breach of stipulations. | 465 |
| 41 CFR §50-201.301. Agency regulations. | 465 |
| 41 CFR §50-201.501. Records of employment. | 465 |
| 41 CFR §50-201.502. Record of injuries. | 465 |
| 41 CFR §50-201.601. Requests for exceptions and exemptions..... | 466 |
| 41 CFR §50-201.602. Decisions concerning exceptions and exemptions. | 466 |
| 41 CFR §50-201.603. Full administrative exemptions. | 466 |
| 41 CFR §50-201.701. Definition of “person.”..... | 466 |
| 41 CFR §50-201.1101. Minimum wages. | 466 |
| 41 CFR §50-201.1102. Tolerance for apprentices, student-learners, and handicapped workers. | 466 |
| 41 CFR §50-201.1201. [Reserved]..... | 466 |
| 41 CFR §50-201.1202. Complaints..... | 466 |
| 41 CFR §50-201.1203. Other contracts. | 466 |

41 CFR PART 50-202. MINIMUM WAGE DETERMINATIONS

Subpart A. Application and Scope

| | |
|--|-----|
| 41 CFR §50-202.1. Application and scope..... | 467 |
|--|-----|

Subpart B. Groups of Industries

| | |
|--|-----|
| 41 CFR §50-202.2. Minimum wage in all industries. | 467 |
| 41 CFR §50-202.3. Learners, student learners, apprentices, and handicapped workers. | 467 |

Subpart C [Reserved]

41 CFR PART 50-203. RULES OF PRACTICE

Subpart A. Proceedings Under Section 5 of the Walsh-Healey Public Contracts Act

| | |
|---|-----|
| 41 CFR §50-203.1. Reports of breach or violation. | 467 |
| 41 CFR §50-203.2. Issuance of a formal complaint..... | 467 |
| 41 CFR §50-203.3. Answer..... | 467 |
| 41 CFR §50-203.4. Motions. | 468 |
| 41 CFR §50-203.5. Intervention. | 468 |
| 41 CFR §50-203.6. Witnesses and subpoenas. | 468 |
| 41 CFR §50-203.7. Prehearing conferences. | 468 |
| 41 CFR §50-203.8. Hearing..... | 468 |
| 41 CFR §50-203.9. Briefs. | 469 |
| 41 CFR §50-203.10. Decision of the administrative law judge. | 469 |
| 41 CFR §50-203.11. Review..... | 469 |
| 41 CFR §50-203.12. Effective date. | 469 |

Subpart B. Exceptions and Exemptions Pursuant to Section 6 of the Walsh-Healey Public Contracts Act

| | |
|--|-----|
| 41 CFR §50-203.13. Requests for exceptions and exemptions..... | 469 |
| 41 CFR §50-203.14. Decisions concerning exceptions and exemptions..... | 470 |

Subpart C. Minimum Wage Determinations Under the Walsh-Healey Public Contracts Act

| | |
|---|-----|
| 41 CFR §50-203.15. Initiation of proceeding..... | 470 |
| 41 CFR §50-203.16. Industry panel meetings..... | 470 |
| 41 CFR §50-203.17. Hearings..... | 470 |
| 41 CFR §50-203.18. Evidence. | 470 |
| 41 CFR §50-203.19. Subpoenas and witness fees..... | 470 |
| 41 CFR §50-203.20. Examination of witnesses..... | 470 |
| 41 CFR §50-203.21. Decisions..... | 471 |
| 41 CFR §50-203.22. Effective date of determinations. | 471 |

SERVICE CONTRACT LABOR STANDARDS (LAW)

U.S. Code, Title 41 — Public Contracts

Chapter 67 — Service Contract Labor Standards

| | |
|--|-----|
| 41 USC §6701. Definitions..... | 472 |
| 41 USC §6702. Contracts to which this chapter applies. | 472 |
| 41 USC §6703. Required contract terms. | 472 |
| 41 USC §6704. Limitation on minimum wage..... | 473 |
| 41 USC §6705. Violations. | 473 |
| 41 USC §6706. Three-year prohibition on new contracts in case of violation. | 473 |
| 41 USC §6707. Enforcement and administration of chapter. | 473 |

Service Contract Act (Regulations)

Code of Federal Regulations, Title 29 — Labor

Subtitle A — Office of the Secretary of Labor

29 CFR PART 4. LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Subpart A. Service Contract Labor Standards Provisions and Procedures

| | |
|---|-----|
| 29 CFR §4.1. Purpose and scope..... | 474 |
| 29 CFR §4.1a. Definitions and use of terms..... | 474 |

| | |
|---|-----|
| 29 CFR §4.1b. Payment of minimum compensation based on collectively bargained wage rates and fringe benefits applicable to employment under predecessor contract..... | 474 |
| 29 CFR §4.2. Payment of minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 under all service contracts..... | 475 |
| 29 CFR §4.3. Wage determinations..... | 475 |
| 29 CFR §4.4. Obtaining a wage determination..... | 475 |
| 29 CFR §4.5. Contract specification of determined minimum wages and fringe benefits..... | 477 |
| 29 CFR §4.6. Labor standards clauses for Federal service contracts exceeding \$2,500..... | 477 |
| 29 CFR §§4.7—4.9. [Reserved]..... | 480 |
| 29 CFR §4.10. Substantial variance proceedings under section 4(c) of the Act..... | 480 |
| 29 CFR §4.11. Arm's length proceedings..... | 481 |
| 29 CFR §4.12. Substantial interest proceedings..... | 482 |
| Subpart B. Wage Determination Procedures | |
| 29 CFR §4.50. Types of wage and fringe benefit determinations..... | 482 |
| 29 CFR §4.51. Prevailing in the locality determinations..... | 483 |
| 29 CFR §4.52. Fringe benefit determinations..... | 483 |
| 29 CFR §4.53. Collective bargaining agreement (successorship) determinations..... | 484 |
| 29 CFR §4.54. Locality basis of wage and fringe benefit determinations..... | 484 |
| 29 CFR §4.55. Issuance and revision of wage determinations..... | 484 |
| 29 CFR §4.56. Review and reconsideration of wage determinations..... | 485 |
| Subpart C. Application of the McNamara-O'Hara Service Contract Act | |
| Introductory | |
| 29 CFR §4.101. Official rulings and interpretations in this subpart..... | 485 |
| 29 CFR §4.102. Administration of the Act..... | 486 |
| 29 CFR §4.103. The Act..... | 486 |
| 29 CFR §4.104. What the Act provides, generally..... | 486 |
| 29 CFR §4.105. The Act as amended..... | 486 |
| 29 CFR §4.106. [Reserved]..... | 487 |
| Agencies Whose Contracts May Be Covered | |
| 29 CFR §4.107. Federal contracts..... | 487 |
| 29 CFR §4.108. District of Columbia contracts..... | 487 |
| 29 CFR §4.109. [Reserved]..... | 487 |
| Covered Contracts Generally | |
| 29 CFR §4.110. What contracts are covered..... | 487 |
| 29 CFR §4.111. Contracts "to furnish services."..... | 487 |
| 29 CFR §4.112. Contracts to furnish services "in the United States."..... | 488 |
| 29 CFR §4.113. Contracts to furnish services "through the use of service employees"..... | 488 |
| 29 CFR §4.114. Subcontracts..... | 488 |
| Specific Exclusions | |
| 29 CFR §4.115. Exemptions and exceptions, generally..... | 489 |
| 29 CFR §4.116. Contracts for construction activity..... | 489 |
| 29 CFR §4.117. Work subject to requirements of Walsh-Healey Act..... | 489 |
| 29 CFR §4.118. Contracts for carriage subject to published tariff rates..... | 490 |
| 29 CFR §4.119. Contracts for services of communications companies..... | 490 |
| 29 CFR §4.120. Contracts for public utility services..... | 490 |
| 29 CFR §4.121. Contracts for individual services..... | 490 |
| 29 CFR §4.122. Contracts for operation of postal contract stations..... | 491 |
| 29 CFR §4.123. Administrative limitations, variances, tolerances, and exemptions..... | 491 |
| 29 CFR §§4.124—4.129. [Reserved]..... | 493 |
| Particular Application of Contract Coverage Principles | |
| 29 CFR §4.130. Types of covered service contracts illustrated..... | 493 |
| 29 CFR §4.131. Furnishing services involving more than use of labor..... | 493 |
| 29 CFR §4.132. Services and other items to be furnished under a single contract..... | 494 |
| 29 CFR §4.133. Beneficiary of contract services..... | 494 |
| 29 CFR §4.134. Contracts outside the Act's coverage..... | 494 |
| 29 CFR §4.135—4.139. [Reserved]..... | 495 |
| Determining Amount of Contract | |
| 29 CFR §4.140. Significance of contract amount..... | 495 |
| 29 CFR §4.141. General criteria for measuring amount..... | 495 |
| 29 CFR §4.142. Contracts in an indefinite amount..... | 495 |
| Changes in Contract Coverage | |
| 29 CFR §4.143. Effects of changes or extensions of contracts, generally..... | 495 |
| 29 CFR §4.144. Contract modifications affecting amount..... | 495 |
| 29 CFR §4.145. Extended term contracts..... | 496 |
| Period of Coverage | |
| 29 CFR §4.146. Contract obligations after award, generally..... | 496 |
| 29 CFR §§4.147—4.149. [Reserved]..... | 496 |
| Employees Covered by the Act | |
| 29 CFR §4.150. Employee coverage, generally..... | 496 |
| 29 CFR §4.151. Employees covered by provisions of section 2(a)..... | 496 |

| | |
|--|-----|
| 29 CFR §4.152. Employees subject to prevailing compensation provisions of sections 2(a)(1) and (2) and 4(c)..... | 496 |
| 29 CFR §4.153. Inapplicability of prevailing compensation provisions to some employees. | 497 |
| 29 CFR §4.154. Employees covered by sections 2(a)(3) and (4)..... | 497 |
| 29 CFR §4.155. Employee coverage does not depend on form of employment contract..... | 497 |
| 29 CFR §4.156. Employees in bona fide executive, administrative, or professional capacity. | 497 |
| 29 CFR §§4.157—4.158. [Reserved]..... | 497 |
| Subpart D. Compensation Standards | |
| 29 CFR §4.159. General minimum wage. | 497 |
| 29 CFR §4.160. Effect of section 6(e) of the Fair Labor Standards Act..... | 497 |
| 29 CFR §4.161. Minimum monetary wages under contracts exceeding \$2,500. | 497 |
| 29 CFR §4.162. Fringe benefits under contracts exceeding \$2,500. | 498 |
| 29 CFR §4.163. Section 4(c) of the Act. | 498 |
| 29 CFR §4.164. [Reserved]..... | 499 |
| Compliance With Compensation Standards | |
| 29 CFR §4.165. Wage payments and fringe benefits — in general..... | 499 |
| 29 CFR §4.166. Wage payments — unit of payment..... | 500 |
| 29 CFR §4.167. Wage payments — medium of payment..... | 500 |
| 29 CFR §4.168. Wage payments — deductions from wages paid. | 500 |
| 29 CFR §4.169. Wage payments — work subject to different rates. | 501 |
| 29 CFR §4.170. Furnishing fringe benefits or equivalents. | 501 |
| 29 CFR §4.171. “Bona fide” fringe benefits..... | 501 |
| 29 CFR §4.172. Meeting requirements for particular fringe benefits — in general. | 502 |
| 29 CFR §4.173. Meeting requirements for vacation fringe benefits..... | 502 |
| 29 CFR §4.174. Meeting requirements for holiday fringe benefits..... | 503 |
| 29 CFR §4.175. Meeting requirements for health, welfare, and/or pension benefits..... | 504 |
| 29 CFR §4.176. Payment of fringe benefits to temporary and part-time employees. | 505 |
| 29 CFR §4.177. Discharging fringe benefit obligations by equivalent means..... | 505 |
| 29 CFR §4.178. Computation of hours worked..... | 506 |
| 29 CFR §4.179. Identification of contract work..... | 507 |
| Overtime Pay of Covered Employees | |
| 29 CFR §4.180. Overtime pay — in general..... | 507 |
| 29 CFR §4.181. Overtime pay provisions of other Acts. | 507 |
| 29 CFR §4.182. Overtime pay of service employees entitled to fringe benefits..... | 507 |
| Notice to Employees | |
| 29 CFR §4.183. Employees must be notified of compensation required. | 508 |
| 29 CFR §4.184. Posting of notice. | 508 |
| Records | |
| 29 CFR §4.185. Recordkeeping requirements..... | 508 |
| 29 CFR §4.186. [Reserved]..... | 508 |
| Subpart E. Enforcement | |
| 29 CFR §4.187. Recovery of underpayments..... | 508 |
| 29 CFR §4.188. Ineligibility for further contracts when violations occur..... | 510 |
| 29 CFR §4.189. Administrative proceedings relating to enforcement of labor standards..... | 511 |
| 29 CFR §4.190. Contract cancellation..... | 511 |
| 29 CFR §4.191. Complaints and compliance assistance..... | 511 |

WAGE RATES FOR PUBLIC BUILDINGS AND WORKS (LAW)
U.S. Code, Title 40 — Public Buildings, Property, and Works

Subtitle II — Public Buildings and Works

Part A — General

Chapter 31 — General

Subchapter IV—Wage Rate Requirements

| | |
|--|-----|
| 40 USC §3141. Definitions..... | 512 |
| 40 USC §3142. Rate of wages for laborers and mechanics..... | 512 |
| 40 USC §3143. Termination of work on failure to pay agreed wages..... | 512 |
| 40 USC §3144. Authority to pay wages and list contractors violating contracts..... | 513 |
| 40 USC §3145. Regulations governing contractors and subcontractors..... | 513 |
| 40 USC §3146. Effect on other federal laws. | 513 |
| 40 USC §3147. Suspension of this subchapter during a national emergency..... | 513 |
| 40 USC §3148. Application of this subchapter to certain contracts..... | 513 |

CONTRACT WORK HOURS AND SAFETY STANDARDS (LAW)
U.S. Code, Title 40 — Public Buildings, Property, and Works

Subtitle II — Public Buildings and Works

Part A — General

Chapter 37 — Contract Work Hours and Safety Standards

| | |
|--|-----|
| 40 USC §3701. Definition and application. | 514 |
| 40 USC §3702. Work hours. | 514 |
| 40 USC §3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages..... | 514 |

| | |
|--|-----|
| 40 USC §3704. Health and safety standards in building trades and construction industry..... | 515 |
| 40 USC §3705. Safety programs..... | 516 |
| 40 USC §3706. Limitations, variations, tolerances, and exemptions..... | 516 |
| 40 USC §3707. Contractor certification or contract clause in acquisition of commercial items not required..... | 516 |
| 40 USC §3708. Criminal penalties..... | 516 |

ELECTRONIC FUNDS TRANSFER

ELECTRONIC FUND TRANSFER ACT (LAW) **U.S. Code, Title 15 — Commerce and Trade** **Chapter 41 — Consumer Credit Protection** **Subchapter VI — Electronic Fund Transfers**

| | |
|--|-----|
| 15 USC §1693. Congressional findings and declaration of purpose..... | 518 |
| 15 USC §1693a. Definitions..... | 518 |
| 15 USC §1693b. Regulations..... | 518 |
| 15 USC §1693e. Preauthorized Transfers..... | 518 |
| 15 USC §1693k. Compulsory Use of Electronic Fund Transfers..... | 519 |
| 15 USC §1693q. Relation to State Laws..... | 519 |

ELECTRONIC FUND TRANSFER ACT (REGULATIONS) **Code of Federal Regulations, Title 12 — Banks and Banking** **Chapter X — Bureau of Consumer Financial Protection**

12 CFR PART 1005. ELECTRONIC FUND TRANSFERS (REGULATION E)

Subpart A. General

| | |
|--|-----|
| 12 CFR §1005.1. Authority and purpose..... | 520 |
| 12 CFR §1005.2. Definitions..... | 520 |
| 12 CFR §1005.3. Coverage..... | 521 |
| 12 CFR §1005.4. General disclosure requirements; jointly offered services..... | 522 |
| 12 CFR §1005.5. Issuance of access devices..... | 522 |
| 12 CFR §1005.6. Liability of consumer for unauthorized transfers..... | 522 |
| 12 CFR §1005.7. Initial disclosures..... | 523 |
| 12 CFR §1005.8. Change in terms notice; error resolution notice..... | 523 |
| 12 CFR §1005.9. Receipts at electronic terminals; periodic statements..... | 523 |
| 12 CFR §1005.10. Preauthorized transfers..... | 524 |
| 12 CFR §1005.11. Procedures for resolving errors..... | 524 |
| 12 CFR §1005.12. Relation to other laws..... | 525 |
| 12 CFR §1005.13. Administrative enforcement; record retention..... | 526 |
| 12 CFR §1005.14. Electronic fund transfer service provider not holding consumer's account..... | 526 |
| 12 CFR §1005.15. Electronic fund transfer of government benefits..... | 527 |
| 12 CFR §1005.16. Disclosures at automated teller machines..... | 528 |
| 12 CFR §1005.17. Requirements for overdraft services..... | 528 |
| 12 CFR §1005.18. Requirements for financial institutions offering prepaid accounts..... | 529 |
| 12 CFR §1005.19. Internet posting of prepaid account agreements..... | 537 |
| 12 CFR §1005.20. Requirements for gift cards and gift certificates..... | 538 |
| Appendix A to 12 CFR Part 1005—Model Disclosure Clauses and Forms..... | 540 |
| Supplement I to 12 CFR Part 1005—Official Staff Interpretations..... | 545 |

BANK RESPONSIBILITIES UNDER EFTPS (REGULATIONS) **Code of Federal Regulations, Title 31 — Money and Finance: Treasury** **Subtitle B — Regulations Relating to Money and Finance** **Chapter II — Fiscal Service, Department of the Treasury**

31 CFR PART 203. PAYMENT OF FEDERAL TAXES AND THE TREASURY TAX AND LOAN PROGRAM

Subpart A. General Information

| | |
|--|-----|
| 31 CFR §203.1. Scope..... | 591 |
| 31 CFR §203.2. Definitions..... | 591 |
| 31 CFR §203.3. TT&L depositories..... | 592 |
| 31 CFR §203.4. Financial institution eligibility for designation as a TT&L depository..... | 592 |
| 31 CFR §203.5. Designation of financial institutions as TT&L depositories..... | 592 |
| 31 CFR §203.6. Obligations of TT&L depositories..... | 593 |
| 31 CFR §203.7. Termination of agreement or change of election or option..... | 593 |
| 31 CFR §203.8. Application of part and procedural instructions..... | 593 |

Subpart B. Electronic Federal Tax Payments

| | |
|--|-----|
| 31 CFR §203.9. Scope of the subpart..... | 593 |
| 31 CFR §203.10. Electronic payment methods..... | 593 |
| 31 CFR §203.11. Same-day reporting and payment mechanisms..... | 593 |
| 31 CFR §203.12. EFTPS interest assessments..... | 594 |
| 31 CFR §203.13. Appeal and dispute resolution..... | 594 |

Subpart C. PATAX

31 CFR §203.14. Scope of the subpart..... 594
31 CFR §203.15. Tax deposits using FTD coupons..... 594
31 CFR §203.16. Retainer and investor depositaries..... 594
31 CFR §203.17. Collector depositaries..... 595

Subpart D. Investment Program and Collateral Security Requirements for TT&L Depositaries

31 CFR §203.18. Scope of the subpart..... 595
31 CFR §203.19. Sources of balances..... 595
31 CFR §203.20. Investment account requirements..... 595
31 CFR §203.21. Collateral security requirements..... 595

FEDERAL AGENCY PAYMENTS BY EFT (REGULATIONS)

Code of Federal Regulations, Title 31 — Money and Finance: Treasury

Subtitle B — Regulations Relating to Money and Finance

Chapter II — Fiscal Service, Department of the Treasury

31 CFR PART 208. MANAGEMENT OF FEDERAL AGENCY DISBURSEMENTS

31 CFR §208.1. Scope and application..... 597
31 CFR §208.2. Definitions..... 597
31 CFR §208.3. Payment by electronic funds transfer..... 598
31 CFR §208.4. Waivers..... 598
31 CFR §208.5. Availability of the ETA..... 598
31 CFR §208.6. Availability of the Direct Express® Card..... 598
31 CFR §208.7. Agency responsibilities..... 598
31 CFR §208.8. Recipient responsibilities..... 598
31 CFR §208.9. Compliance..... 598
31 CFR §208.10. Reservation of rights..... 598
31 CFR §208.11. Accounts for disaster victims..... 599

MISCELLANEOUS PAYROLL LAWS AND REGULATIONS

SOCIAL SECURITY TOTALIZATION AGREEMENTS (LAW)

U.S. Code, Title 42 — The Public Health and Welfare

Chapter 7 — Social Security

Subchapter II — Federal Old-Age, Survivors, and Disability Insurance Benefits

42 USC §433. International agreements..... 602

HOLDING PERIOD FOR 401(k) PLAN CONTRIBUTIONS (REGULATIONS)

Code of Federal Regulations, Title 29 — Labor

Chapter XXV — Employee Benefits Security Administration, Department of Labor

Subchapter B — Definitions and Coverage under the Employee Retirement Income Security Act of 1974

29 CFR PART 2510. DEFINITIONS OF TERMS USED IN SUBCHAPTERS C, D, E, F, AND G OF THIS CHAPTER

29 CFR §2510.3–102. Definition of “plan assets” — participant contributions..... 603

MINIMUM WAGE PROVISIONS FOR FEDERAL CONTRACTORS (REGULATIONS)

Code of Federal Regulations, Title 29 — Labor

Subtitle A — Office of the Secretary of Labor

29 CFR PART 10. ESTABLISHING A MINIMUM WAGE FOR CONTRACTORS

Subpart A. General

29 CFR §10.1. Purpose and scope..... 605
29 CFR §10.2. Definitions..... 605
29 CFR §10.3. Coverage..... 606
29 CFR §10.4. Exclusions..... 607
29 CFR §10.5. Minimum wage for Federal contractors and subcontractors..... 607
29 CFR §10.6. Antiretaliation..... 607
29 CFR §10.7. Waiver of rights..... 607

Subpart B. Federal Government Requirements

29 CFR §10.11. Contracting agency requirements..... 608
29 CFR §10.12. Department of Labor requirements..... 608

Subpart C. Contractor Requirements

29 CFR §10.21. Contract clause..... 608
29 CFR §10.22. Rate of pay..... 609
29 CFR §10.23. Deductions..... 609
29 CFR §10.24. Overtime payments..... 609

| | |
|--|-----|
| 29 CFR §10.25. Frequency of pay..... | 609 |
| 29 CFR §10.26. Records to be kept by contractors. | 609 |
| 29 CFR §10.27. Anti-kickback | 609 |
| 29 CFR §10.28. Tipped employees..... | 609 |
| 29 CFR §10.29. Notice..... | 610 |
| Subpart D. Enforcement | |
| 29 CFR §10.41. Complaints..... | 610 |
| 29 CFR §10.42. Wage and Hour Division conciliation..... | 611 |
| 29 CFR §10.43. Wage and Hour Division investigation..... | 611 |
| 29 CFR §10.44. Remedies and sanctions..... | 611 |
| Subpart E. Administrative Proceedings | |
| 29 CFR §10.51. Disputes concerning contractor compliance..... | 611 |
| 29 CFR §10.52. Debarment proceedings..... | 612 |
| 29 CFR §10.53. Referral to Chief Administrative Law Judge; amendment of pleadings..... | 612 |
| 29 CFR §10.54. Consent findings and order..... | 612 |
| 29 CFR §10.55. Proceedings of the Administrative Law Judge..... | 612 |
| 29 CFR §10.56. Petition for review..... | 613 |
| 29 CFR §10.57. Administrative Review Board proceedings..... | 613 |
| 29 CFR §10.58. Administrator ruling..... | 613 |
| Appendix A to 29 CFR Part 10. Contract Clause..... | 613 |

MINIMUM WAGE PROVISIONS FOR FEDERAL CONTRACTORS (REGULATIONS)
Code of Federal Regulations, Title 48 – Federal Acquisition Regulation
Subchapter D – Socioeconomic Programs

48 CFR PART 22. APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 22.19. Establishing a Minimum Wage for Contractors

| | |
|--|-----|
| 48 CFR §22.1900. Scope of subpart..... | 616 |
| 48 CFR §22.1901. Definition..... | 616 |
| 48 CFR §22.1902. Policy..... | 616 |
| 48 CFR §22.1903. Applicability..... | 616 |
| 48 CFR §22.1904. Annual Executive Order Minimum Wage Rate..... | 616 |
| 48 CFR §22.1905. Enforcement of Executive Order Minimum Wage Requirements..... | 617 |
| 48 CFR §22.1906. Contract clause..... | 618 |

48 CFR PART 52. SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 52.2. Text of Provisions and Clauses

| | |
|---|-----|
| 48 CFR §52.222–55. Minimum Wages Under Executive Order 13658..... | 618 |
|---|-----|

PAID SICK LEAVE PROVISIONS FOR FEDERAL CONTRACTORS (REGULATIONS)

Code of Federal Regulations, Title 29 – Labor
Subtitle A – Office of the Secretary of Labor

29 CFR PART 13—ESTABLISHING PAID SICK LEAVE FOR FEDERAL CONTRACTORS

Subpart A—General

| | |
|---|-----|
| 29 CFR §13.1. Purpose and scope..... | 620 |
| 29 CFR §13.2. Definitions..... | 620 |
| 29 CFR §13.3. Coverage..... | 622 |
| 29 CFR §13.4. Exclusions..... | 623 |
| 29 CFR §13.5. Paid sick leave for Federal contractors and subcontractors..... | 623 |
| 29 CFR §13.6. Prohibited acts..... | 626 |
| 29 CFR §13.7. Waiver of rights..... | 626 |
| 29 CFR §13.8. Multiemployer plans or other funds, plans, or programs..... | 626 |

Subpart B—Federal Government Requirements

| | |
|--|-----|
| 29 CFR §13.11. Contracting agency requirements..... | 627 |
| 29 CFR §13.12. Department of Labor requirements..... | 627 |

Subpart C—Contractor Requirements

| | |
|---|-----|
| 29 CFR §13.21. Contract clause..... | 627 |
| 29 CFR §13.22. Paid sick leave..... | 627 |
| 29 CFR §13.23. Deductions..... | 627 |
| 29 CFR §13.24. Anti-kickback..... | 628 |
| 29 CFR §13.25. Records to be kept by contractors..... | 628 |
| 29 CFR §13.26. Notice..... | 629 |
| 29 CFR §13.27. Timing of pay..... | 629 |

Subpart D—Enforcement

| | |
|--|-----|
| 29 CFR §13.41. Complaints..... | 629 |
| 29 CFR §13.42. Wage and Hour Division conciliation..... | 629 |
| 29 CFR §13.43. Wage and Hour Division investigation..... | 629 |
| 29 CFR §13.44. Remedies and sanctions..... | 629 |

Subpart E—Administrative Proceedings

29 CFR §13.51. Disputes concerning contractor compliance. 630
29 CFR §13.52. Debarment proceedings. 630
29 CFR §13.53. Referral to Chief Administrative Law Judge; amendment of pleadings. 630
29 CFR §13.54. Consent findings and order. 631
29 CFR §13.55. Administrative Law Judge proceedings. 631
29 CFR §13.56. Petition for review. 631
29 CFR §13.57. Administrative Review Board proceedings. 631
29 CFR §13.58. Administrator ruling. 632
Appendix A to 29 CFR Part 13—Contract Clause 632