Presentation Notes
Laws and Regulations in the Food Service Industry

Slide 3

Minimum wage
Overtime pay
Recordkeeping
Child Labor Standards

FAIR LABOR STANDARDS ACT
Fair Labor Standards Act (FLSA)

- Wage and Hour Division (WHD) of the United States Department of Labor (DOL) administers and enforces the FLSA
- Protects workers from unfair treatment by employers
- Most full-time and part-time workers are covered

Know Your Rights

The U.S. Department of Labor’s Wage and Hour Division (WHD) has developed the “Know Your Rights” video series in English and Spanish to provide workers with useful basic information in different scenarios that workers encounter in the workplace. http://www.dol.gov/whd/resources/kyrvideo.htm
Foodservice workers who earn tips can be paid less than minimum wage since tips can be considered part of the employee’s wages. The employer must make up the difference if the tips combined with the hourly rate do not equal at least minimum wage.

Employers are also allowed to pay new employees less during a training period.
An employee is paid at the overtime rate only for those hours over 40 in the workweek. These overtime standards may be different for certain employees.

FLSA does not limit the number of hours in a day or the number of days in a week that an employer may require an employee to work as long as the employee is at least 16 years old.
Recordkeeping

An employer must maintain:

- Employee’s full name and social security number
- Address, including zip code
- Birth date, if younger than 19
- Sex and occupation
- Time and day of week when employee’s workweek begins
- Hours worked each day
- Total hours worked each workweek
- Basis on which employee’s wages are paid
- Regular hourly pay rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from the employee’s wages
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment

Source: Fact Sheet #21: Recordkeeping Requirements under the Fair Labor Standards Act (FLSA)

Each employer shall preserve, for at least three years, payroll records, collective bargaining agreements, sales and purchase records.
Child Labor Standards

- Goal is to protect the health and educational opportunities of young people who choose to work
- Prohibits the employment of children in jobs that are considered hazardous
- Restricts hours for 14 and 15-year old individuals

14 and 15-year olds may work:
- After 7 a.m. and until 7 p.m.
- Up to 3 hours on a school day
- Up to 18 hours in a school week
- Up to 8 hours on a non-school day
- Up to 40 hours in a non-school week
RESPONSIBILITIES

Employees

Employers
Employee Responsibilities

- Must be aware of rights under the law
- Must follow laws
- Must provide correct information about yourself and your job
Employers Responsibilities

- Post notices
- Keep accurate records
- Responsible for knowing the law and enforcing it
- Train employees to understand and follow laws
Questions?
References and Resources

Images:
- Microsoft Office Clip Art: Used with permission from Microsoft.

Textbooks:

Video:
- *Know Your Rights*
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  [http://www.dol.gov/whd/resources/kyrvideo.htm](http://www.dol.gov/whd/resources/kyrvideo.htm)