

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE

\$7.25 *per hour*

BEGINNING JULY 24, 2009

Overtime Pay

At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

Child Labor

An employee must be at least **16** years old to work in most non-farm jobs and at least **18** to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths **14** and **15** years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

No more than –

- **3** hours on a school day or **18** hours in a school week;
- **8** hours on a non-school day or **40** hours in a non-school week.

Also, work may not begin before **7 a.m.** or end after **7 p.m.**, except from **June 1** through **Labor Day**, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.

Tip Credit

Employers of “tipped employees” must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.

Enforcement

The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

Employers may be assessed civil money penalties of up to \$11,000 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are

determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.

Additional Information

- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
- Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
- Some state laws provide greater protections; employers must comply with both.
- The law requires employers to display this poster where employees can readily see it.
- Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

For additional information:

1-866-4-USWAGE (1-866-487-9243)

TTY: 1-877-889-5627

www.wagehour.dol.gov

ALERT!

Utah Wage and Employment Standards

The Employment Standards Bureau of the Utah Labor Commission administers the Utah Payment of Wages Act, the Utah Minimum Wage Act and the Employment of Minors Act.

Under the Utah Payment of Wages Act, an employee must be paid at least twice a month, employees who quit must be paid their final wages at the next regular payday and employees who are involuntarily terminated must be paid all final wages within 24 hours of the time of separation. The Utah minimum wage law applies to all Utah employers. It is consistent with the federal minimum wage law. The Utah minimum wage rules establish an employer’s cash wage obligation of \$2.13 an hour for tipped employees and the crediting of tips toward the minimum wage. The Employment of Minors Act contains standards consistent with those administered by the U.S. Department of Labor to promote the health and safety of minors in the Utah workplace. There are some differences between the Utah and Federal Employment of Minors statutes. Between the two, the stricter standard applies to the employer. All other standards under these laws including the relevant administrative rules are accessible at: www.laborcommission.utah.gov.

jobs.utah.gov

1-888-920-WORK (9675)

