

FLSA-921

February 10, 1978

This is in reply to your letter of January 18, 1978 with which you enclosed a letter from ***. He expresses concern that he was terminated for refusing to continue working required overtime hours.

We have considered your constituent's comments under the provisions of the Fair Labor Standards Act which is the Federal law of most general application concerning wages and hours of work. Its major provisions are highlighted in the enclosed "Handy Reference Guide" which you may wish to forward to ***.

While the law provides many beneficial labor standards, it does not regulate work duty assignments or work schedules or limit the number of days in a week or hours in a day an adult employee may be required to work. Such matters are left for consideration by the employer and the employees or their authorized representatives. Disciplinary actions including suspensions and terminations resulting from an employee's refusal to work overtime hours as requested are also matters over which we have no jurisdiction or authority. Any change would require legislative action on the part of the Congress.

The Act does require, however, that covered and nonexempt employees be compensated in compliance with the minimum wage and overtime compensation provisions of the Act for all hours worked in the workweek.

You may wish to advise your constituent that there are divergent views regarding required overtime hours of work. While there are those who do not want to work overtime, such as your constituent and his co-worker, others complain that the Department should require their employers to give them fair share of overtime hours of work. Many complain that their bosses favor their friends by giving them more overtime work than that given others. We regret that we are unable to be of assistance to your constituent on this matter.

Sincerely,

Xavier M. Vela
Administrator