

FLSA-1418

February 4, 1982

Thank you for your memorandum of January 19, 1982, enclosing correspondence from your constituent, *** concerning daily and weekly limits on hours worked by employees.

We have considered *** comments under the Fair Labor Standards Act (FLSA), the Federal law of most general application regarding wages and hours of work. The major provisions of this law are highlighted in the enclosed "Handy Reference Guide," which you may wish to send to your constituent.

While this law provides many beneficial labor standards, it does not regulate work duty assignments, work schedules, or limit the number of hours in a day or days in a week that an adult employee (16 years of age or older) may be required to work. Such matters are left for consideration by employers and employees or their authorized representatives. Disciplinary actions, including terminations resulting from an employee's refusal to work when requested, are also matters over which we have no jurisdiction or authority. However, all covered and nonexempt employees must be paid in accordance with the minimum wage and overtime pay requirements of the Act.

Section 18 of the FLSA provides that no provision of the Act shall excuse noncompliance with any other Federal or State law or municipal ordinance establishing minimum wage or overtime compensation requirements higher than the FLSA. Further, the FLSA does not prohibit a state from enacting its own minimum wage law. Thus were a State to enact a law limiting the hours that an employee could be required to work in a day and/or a workweek, the State law would supersede the Federal law in that it establishes a higher standard with respect to maximum work hours. In addition, we are not aware of any other Federal labor statute which would prevent a State or municipality from taking such action.

*** also asks whether there is any information regarding state laws establishing maximum work hours. We do not have any published information but we are aware of four States (Wyoming, Connecticut, Rhode Island, and Missouri) which have enacted maximum work hour laws.

The types of workers covered by these laws are few, thus most workers in those states have no limits on the number of hours they may be required to work.

We trust the above is responsive to your constituent's inquiry.

Sincerely,

William M. Otter
Administrator

Enclosure