

Legal - FLSA

RECORDKEEPING REQUIREMENTS UNDER THE FAIR LABOR STANDARDS ACT [FLSA]

Posting:

- Employers must display an official poster outlining the provisions of the Fair Labor Standards Act, available at no cost from local offices of the Wage and Hour Division [or you can call toll-free 1-866-487-9243 to order]. The poster is also available on the Internet by downloading and printing at <http://www.dol.gov/osbp/sbrefa/poster/main.htm>.

Employment Applications:

- All employment applications [including those for people you didn't hire], including resumes and any notes you may have taken during interviews of these applicants must be retained for a period of one year after which they may be thrown out.

What Records Must be Maintained:

1. Employers must maintain the following payroll records for all employees:
 - Full name of employee
 - Employee's home address
 - If under 19 years of age, their date of birth
 - Their sex
 - Occupation or job they are working in
 - Time and day of the week the employee's work week begins
 - Rate of pay
 - All deductions made from the employee's paycheck
 - Regular hours worked each workday and each workweek [For exempt employees you must retain records reflecting basis on which they are paid in enough detail to calculate total remuneration and fringe benefits.]
 - Total daily or weekly straight-time earnings or wages due for each workday or workweek, exclusive of overtime compensation
 - Total premium pay for all overtime hours
 - Total additions or deductions from wages paid each pay period
 - Total wages paid each pay period
 - Date of payment and pay period covered by such payment
2. Which records must be kept for three [3] years:
 - Employee information [personnel file]
 - Payroll records
 - Individual contracts or collective bargaining agreements
 - Information on pension, profit-sharing, thrift plans or other benefits excluded from the regular rate
 - Information on total company sales and purchases

3. Which records must be kept for two [2] years:

- Employee time cards, time sheets, or other time-keeping records
- All information about hourly rates, or other methods for determining straight-time or overtime earnings, salary or wages
- All order, billing and shipping records
- Records of additions to or deductions from wages paid
- All records used to determine original cost, operating or maintenance costs, depreciation and interest charges if such charges are used to determine additions to or deductions from an employees wages

Note: FICA, FUTA, and Federal Income Tax Withholding regulations require employers to retain employee records related to mandatory federal taxes for at least four years. [Name, address, social security number, sex, birth date, occupation and job classification, total compensation paid, any tax forms related to the employee, record of hours worked, and all payments to pensions and benefit plans, amount of wages subject to withholding and actual taxes withheld from wages.]