

## Checklist

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay and youth employment standards for covered employers. It also requires employers to maintain accurate records of all hours worked and wages earned by employees. While the FLSA does not require these records to be kept in any particular format, employers need to ensure they include specific information regarding employees, hours worked and wages earned. This checklist can assist your organization in developing and maintaining an effective FLSA recordkeeping process.

The information contained in this checklist comes from the U.S. Department of Labor's most current guidance for employers. This checklist is intended to be used as a guide and does not include requirements for all types of employees, such as those paid by piece rate or homeworkers. The steps in this list should be modified to meet the unique needs of your workforce. In addition to FLSA recordkeeping requirements, some states and localities may have their own requirements. Accordingly, employers are encouraged to seek legal counsel to address specific issues and concerns.

### Records for Nonexempt Employees

Review nonexempt employee records for the following information:

- |          |  |          |  |
|----------|--|----------|--|
| Complete | <b>Full name</b>   | Complete | <b>Employee's total daily or weekly straight-time earnings</b>   |
| Complete | <b>Social Security number</b>  | Complete | <b>Employee's total overtime earnings for the workweek</b>   |
| Complete | <b>Address, including zip code</b>   | Complete | <b>All additions to or deductions from the employee's wages each pay period, including dates, amounts and nature of any additions and deductions</b> |
| Complete | <b>Date of birth if the employee is younger than 19 years old</b>                              | Complete | <b>Total wages paid to the employee each pay period</b>  |
| Complete | <b>Sex, which can be identified by a gender-specific prefix (e.g., Mr., Mrs., Miss or Ms.)</b> | Complete | <b>Date of payment and workweek or work period covered by the payment</b>  |
| Complete | <b>Occupation</b>  |          |  |
| Complete | <b>Time of day and day of the week the employee's workweek begins</b>                          |          |  |
| Complete | <b>Total hours the employee worked each workday and the total hours worked each workweek</b>   |          |  |
| Complete | <b>Basis on which the employee's wages were paid (e.g., per hour, per week or piecework)</b>   |          |  |
| Complete | <b>Employee's regular hourly pay rate</b>  |          |  |

## FLSA Recordkeeping Checklist

### Records for Exempt Employees

Review exempt employee records for the following information:

Complete	<b>Full name</b>	Complete	<b>Time of day and day of the week the employee's workweek begins</b>
Complete	<b>Social Security number</b>	Complete	<b>Total wages paid to the employee each pay period</b>
Complete	<b>Address, including zip code</b>	Complete	<b>Date of payment and workweek or work period covered by the payment</b>
Complete	<b>Date of birth if the employee is younger than 19 years old</b>	Complete	<b>Basis on which the employee's wages were paid, including enough detail to calculate the employee's total wages for each pay period</b>
Complete	<b>Sex, which can be identified by a gender-specific prefix (e.g., Mr., Mrs., Miss or Ms.)</b>		
Complete	<b>Occupation</b>		

### Records for Commissioned Salespersons

Review records of salespersons paid by commissions for the following information:

Complete	<b>Full name</b>	Complete	<b>Total compensation paid to the employee each pay period, showing the amount of earnings paid by commission and the amount of noncommission earnings</b>
Complete	<b>Social Security number</b>	Complete	<b>Date of payment and workweek or work period covered by the payment</b>
Complete	<b>Address, including zip code</b>	Complete	<b>Total hours the employee worked each workday and the total hours worked each workweek</b>
Complete	<b>Date of birth if the employee is younger than 19 years old</b>	Complete	<b>A symbol, letter or notation in payroll records identifying that the employee is paid as a commissioned salesperson</b>
Complete	<b>Sex, which can be identified by a gender-specific prefix (e.g., Mr., Mrs., Miss or Ms.)</b>	Complete	<b>A copy of any agreement or understanding reflecting the agreement to pay the employee as a commissioned salesperson</b>
Complete	<b>Occupation</b>		
Complete	<b>Time of day and day of the week the employee's workweek begins</b>	Complete	

### Records for Tipped Employees

Review records of employees paid by tips for the following information:

Complete	<b>Full name</b>	Complete	<b>Total hours the employee worked each workday and the total hours worked each workweek</b>
Complete	<b>Social Security number</b>	Complete	<b>Total hours the employee worked each workday for which the employee did not receive tips, including the total daily or weekly straight-time payments for those hours</b>
Complete	<b>Address, including zip code</b>	Complete	<b>Total hours the employee worked each workday for which the employee received tips, including the total daily or weekly straight-time payments for those hours</b>
Complete	<b>Date of birth if the employee is younger than 19 years old</b>	Complete	<b>A symbol, letter or notation in payroll records identifying that the employee's wages include tips</b>
Complete	<b>Sex, which can be identified by a gender-specific prefix (e.g., Mr., Mrs., Miss or Ms.)</b>	Complete	<b>Weekly or monthly amount of tips the employee received that the employee reports to the employer</b>
Complete	<b>Occupation</b>	Complete	<b>Amount to which the employer has determined that the employee's wages increased due to tips, updated each week</b>
Complete	<b>Time of day and day of the week the employee's workweek begins</b>		
Complete	<b>Total wages paid each pay period</b>		
Complete	<b>Date of payment and workweek or work period covered by the payment</b>		

Employers often face challenges related to FLSA recordkeeping requirements. To comply with these requirements, employers need to understand which information needs to be retained for each worker. Additionally, the FLSA requires employers to retain payroll records, collective bargaining agreements, and sales and purchase records for at least three years. Records on which employee wage computations are based—such as timecards, piecework tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages—must be kept for two years. That's why it's important for employers like you to understand FLSA requirements and ensure their staff is properly trained. Establishing a recordkeeping process can improve operational and administrative efficiency to save your organization time and money. Employers should also consider seeking professional guidance before making potentially costly errors.

Reach out to us today for more information regarding FLSA compliance.