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ATTORNEYS AT LAW

***EMPLOYMENT LAW ALERT***

**RECORD KEEPING UNDER THE FAIR LABOR STANDARDS ACT**

Employers subject to the FLSA are required to keep detailed records concerning their employees. Records must be kept for both exempt and nonexempt employees, although the records for nonexempt employees are more detailed. They also must be kept on exempt employees to enable the government to make a reasonable audit to determine whether they are, in fact, exempt. Records must be kept on the nonexempt employees that will allow the government to determine whether the employer has complied with the provisions of the FLSA.

The Employer is not required to keep these records in any particular format, but they must generally include the following information:

- name of the employee;
- home address;
- date of birth, if the employee is under age nineteen;
- sex of the employee;
- occupation in which the employee is employed;
- day of the week and time at which the workweek begins;
- the regularly hourly rate and the basis on which wages are paid;
- hours worked each day and week;
- daily or weekly straight time earnings;
- weekly overtime excess compensation;
- deductions from or additions to wages;
- wages paid each pay period; and
- the date wages are paid and the period covered by such payment.

Under the FLSA, Employers are required to retain certain records for two years and others for three years. Generally, payroll records, certificates, agreements, plans, notices, and sales and purchase records must be preserved for three years. Supplementary payroll records, shipping records, and records of additions to or deductions from wages must be retained for at least two years.