

Your Rights Under the Congressional Accountability Act



Fair Labor Standards

Section 203 of the Congressional Accountability Act (CAA) applies certain rights and protections of the Fair Labor Standards Act of 1938 (FLSA) to covered employees. These rights and protections require payment of the minimum wage and overtime compensation to nonexempt employees, restrict child labor, and prohibit sex discrimination in wages paid to men and women. Except for employees with a specific exemption or exclusion, all covered employees are entitled to the minimum wage and to overtime compensation when working over forty hours in a workweek.

Key Provisions Under the Law

- The current federal minimum wage (as of April 2003) is \$5.15 per hour.
- All nonexempt employees must be paid overtime compensation at time-and-a-half the regular rate of pay after 40 hours of work in a given week.
- Covered employees in a bona fide executive, administrative, or professional capacity who meet defined criteria are exempt from the basic wage and hour standards.
- In some instances, compensatory time off, instead of overtime pay, may be provided for employees whose work schedules directly depend on the schedule of the House of Representatives and the Senate. Some Congressional law enforcement positions are also covered under this provision.
- There are many employment practices, such as vacation or sick leave, that the FLSA does not regulate.
- Interns, as defined in regulations of the Board of Directors of the Office of Compliance, are not covered by the Fair Labor Standards provisions of the CAA.

Frequently Asked Questions About FLSA

Q. Is there a limitation on the number of hours an employee may work in a day or work week?

A. No. There is no limitation on the number of hours an employee may work in any workday or workweek. An employee may work as many hours as the employee and the employer see fit, as long as the employee is paid in accordance with the FLSA's requirements. For example, an employing office could adopt a 4-day, 10-hour workweek.

Fair Labor Standards Act CONTINUED

Q. May an employing office pay a nonexempt employee on a monthly salary basis rather than an hourly basis?

A. Yes. A nonexempt employee for whom an employing office must meet the minimum wage and overtime requirements of the FLSA may still be paid on a monthly salary basis. To determine whether an employee is being compensated in accordance with the FLSA, an employing office must calculate the salary in terms of a regular hourly wage rate.

Q. Which employees are exempt from the minimum wage and overtime requirements of the FLSA?

A. The exemptions that are likely to be most relevant to employing offices in the legislative branch are the so-called "white collar" exemptions for bona fide executive, administrative, and professional employees. To qualify for such exempt status, an employee must be paid on a salary basis (not an hourly basis) and have job duties that meet certain criteria.

The Office of Compliance

The Office of Compliance protects the safety, health, and workplace rights of employees of the US Congress and the Legislative Branch. Established by the Congressional Accountability Act of 1995, the Office is an independent agency which provides an impartial dispute resolution process and educates employees and employing offices about their rights and responsibilities under the Act.

The Office of Compliance welcomes your inquiries. All contacts are kept strictly confidential. If you have any questions regarding your rights under the Fair Labor Standards Act or any other provision of the Congressional Accountability Act, please feel free to call the office, visit us in person, or view our web site at www.compliance.gov.

This information does not constitute an official ruling of the Board of Directors and is intended for educational purposes only. For further information, please refer to the Congressional Accountability Act (2 U.S.C 1301 et seq.) and the regulations issued by the Board, or you may contact the Office of Compliance.

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