

Fact Sheet #47: Minimum Wage, Recordkeeping and Youth Employment Requirements of U.S. Law Applicable to Foreign Commercial Vehicle Operators and Helpers

The U.S. Department of Labor, Wage and Hour Division, administers the [Fair Labor Standards Act \(FLSA\)](#). This fact sheet provides general information concerning federal [minimum wage](#), [recordkeeping](#) and youth employment requirements that apply to foreign commercial vehicle operators and their helpers who work in U.S. territory.

What is the U.S. [minimum wage](#)?

The [federal minimum wage](#) of \$6.55 per hour effective July 24, 2008 and \$7.25 per hour effective July 24, 2009, and youth employment provisions of the FLSA apply to all foreign drivers and their helpers for [all hours worked](#) in the U.S., if the workers spend a substantial period of time in the U.S. A worker who travels more than 25 miles from the U.S. border or spends more than 72 hours in the U.S. on a single visit (whichever occurs first) is considered to have spent a substantial period of time in the U.S. Once a worker has spent a substantial period of time in the U.S. all hours of work in the U.S. on that visit must be compensated at no less than the [minimum wage](#), including hours of work prior to the worker reaching the 25 mile or 72 hour mark. Under certain conditions a worker's "waiting" time may be compensable hours of work.

Wages must be paid free and clear of [impermissible deductions](#) -- such as the costs of operating the vehicle or traveling on the road -- that would reduce pay below the federal minimum. Deductions that are impermissible when they reduce pay below the federal minimum include the cost of gas, oil, tires, repairs to the truck, tolls or the cost of food or lodging for the employees while they are traveling.

What U.S. [recordkeeping requirements](#) apply to employers?

The employer must maintain complete records of all hours worked, wages paid and other information (such as deductions) related to time worked in the U.S. These records -- which do not have to be kept in any particular form -- must be made available to the Department of Labor upon request. The drivers' log books required by the U.S. Department of Transportation do not contain all of the information required under the FLSA.

What are the U.S. [youth employment limitation requirements](#) that apply to operating motor vehicles?

The youth employment provisions restrict persons under 18 years of age from working as drivers or helpers. Hours worked and age requirements for commercial drivers' licenses are regulated by the U.S. Department of Transportation.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243). This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.