



U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

Fact Sheet #61: Day Laborers Under the Fair Labor Standards Act (FLSA)

This fact sheet provides general information concerning the application of the minimum wage, overtime pay and recordkeeping requirements of the FLSA to low-wage employees earning wages by the day, commonly known as day laborers.

Minimum Wage: FLSA covered employers must pay day laborers at least the applicable minimum wage for all hours worked regardless of whether the worker is paid by the hour, the day, or at a piece rate. The minimum wage for covered nonexempt employees is \$5.85 an hour effective July 24, 2007, \$6.55 an hour effective July 24, 2008, and \$7.25 an hour effective July 24, 2009. (Certain State rates may be higher.)

Hours Worked: Employers must pay day laborers for all work performed whether or not the employer approves the work in advance. In general, "hours worked" includes all time an employee must be on duty, or at the place of work. Normally, time spent in training, traveling from site to site during the day and doing repair work must be paid.

Overtime: Normally, employers must pay time and one-half of the worker's regular rate of pay after 40 hours of work in a 7-day workweek.

Recordkeeping: Records must be kept by employers of all wages paid and of all hours worked, regardless of where the work is performed. Workers should keep a record of their employer's name, address, phone number and the hours they worked.

For additional information, visit our Wage-Hour website: <http://www.wagehour.dol.gov> and/or call our Wage-Hour toll-free information and helpline, available 8am to 5pm in your time zone, 1-866-4USWAGE (1-866-487-9243).

第61條：臨時工在公平勞工標準法規定下必需注意的要項(FLSA)

本細則提供了有關公平勞工標準法對賺取日薪的低所得員工，亦既臨時工，的基本資訊。在本法最低工資、超時給付及記錄保存的規定應如何遵守。

最低工資：不論你的工資是時薪、日薪或是按件計酬，僱主必需付你所有工作時間現行的最低工資。非豁免員工的最低工資為：每小時 \$5.85，生效日期 2007 年7月24 日；每小時 \$6.55，生效日期 2008年7月24 日；每小時 \$7.25，生效日期 2009 年7月24 (日某些州的時薪可能稍高)。

工作時間：僱主必需償付工作者用於工作上所有的時間，不論事先是否經由僱主同意。一般來說，“工作時間”包括工作者用於工作或是停留在工作場所的一切時間。那麼，用於受訓的時間及奔走於工作地點之間花費的時間及因修理機器故障而等待的時間都是要付薪的。

超時：正常情形之下，你工作超過一週四十小時〔七天一週為準〕。僱主應按照你時薪的一倍半付你超過四十小時外的時數。

記錄保存：僱主必需保存所有已付薪資紀錄及工時記錄，不論工作的地點在那裡。員工應該保有雇主的姓名，地址，電話號碼，及自己工作時間的記錄。

你若想獲取更多資訊請上網網址: <http://www.wagehour.dol.gov> 或於8AM ~ 5PM電 1-866-4US WAGE (1-866-487-9243) 本部查詢。