



Federal Labor Standards Act (FLSA):

Minimum Wage - Overtime Rules - Child Labor Restrictions -

All brought to you courtesy of President Franklin D. Roosevelt and the Fair Labor Standards Act of 1938 (FLSA)

History

In one of his famous fireside chats, President Franklin D. Roosevelt (FDR) warned: “Do not let any calamity-howling executive with an income of \$1,000 a day...tell you...that a wage of \$11 a week is going to have a disastrous effect on all American industry.”¹

The next day FDR signed a landmark law in the Nation’s social and economic development—the Fair Labor Standards Act of 1938 (FLSA). Though at the time, it only applied to about one-fifth of the nation’s workforce, it banned oppressive child labor, set the minimum hourly wage at .25 cents, and the maximum workweek at 44 hours.²

It became part of Roosevelt’s broad New Deal legacy regarding labor law in this country.

Emboldened by his landslide victory in 1936, FDR had become more determined to challenge the nation’s Supreme Court, his major obstacle to social reform.

The Court had overturned various challenges to both state and federal law regarding social and labor issues, most notably a case in New York where a laundry owner paid his female employees \$10.48 a week in violation of the state \$14.88 minimum weekly wage.

When forced to pay the higher wage by the New York courts, he coerced them to kick back the difference. The Supreme Court, by a 5-to-4 majority found in his favor and voided the state law as a violation of liberty of contract!

Coincidentally however, at about the time that FDR

began considering restructuring the size of the Court, (i.e. his famous proposal to “pack the Court” by almost doubling its’ size), the court began issuing some favorable decisions. This included a case filed in Wenatchee where Elsie Parrish, a former chambermaid at the Cascadian Hotel, sued for \$216.19 in back wages, charging that the hotel had paid her less than the State minimum wage. In an unexpected turn-around, a conservative Justice Owen Roberts voted with the liberal minority to uphold the Washington minimum wage law.³

This became known as the “big-switch” beginning a series of liberal court decisions - a turning point in American social history, for it marked a new legal attitude toward labor standards.

The creation of FLSA was one of the most important social events in the history of the labor movement in our country. It is part of President Roosevelt’s broad legacy.

FLSA Today

FLSA provides federal guidelines for a variety of subjects including:

- Federal minimum wage - for adult wage earners and employees under twenty years;
- Overtime Pay: At least 1 and 1/2 times an employee’s regular rate of pay for all hours worked over 40 in a workweek.
- Child Labor: An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in all other jobs. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under conditions that restrict the number of hours worked on a school day, during a week, and which hours in a day that can be worked.