



Wage and Hour Division

Field Assistance Bulletins

Field Assistance Bulletins provide Wage and Hour Division (WHD) investigators and staff with guidance on enforcement positions and clarification of policies or changes in policy of WHD. These bulletins are developed under the general authority to administer the various laws enforced by WHD. They typically provide positions reflecting changes or clarifications in the administration of these laws and related regulations based upon court decisions, legislative changes and opinions of the WHD Administrator.

The Department of Labor (DOL) is providing this information as a public service. The requirements of the laws enforced by WHD are set by statutes and regulations. The Federal Register and the Code of Federal Regulations remain the official resources for regulatory information published by the DOL.

2021 Field Assistance Bulletins

Number	2021 Letter Subject	Date/Format
2021-1	H-1B program obligations for common-law employers	January 15, 2021*
<p>*On January 15, 2021, the U.S. Department of Labor (Department) issued an Office of Foreign Labor Certification H-1B Program Bulletin and a Wage and Hour Division Field Assistance Bulletin (FAB) revising its interpretation of its regulations concerning which employers of H-1B workers must file Labor Condition Applications. The Department simultaneously submitted a Notice for publication in the <i>Federal Register</i> announcing and requesting public comments on this interpretation. On January 20, 2021, the Department withdrew its Notice from the Office of the Federal Register prior to its publication, and is now withdrawing the Bulletin and FAB for the purpose of considering the process for issuing this interpretation as well as reviewing related issues of law, fact, and policy. Accordingly, the requirements of the Bulletin and FAB are no longer in effect. The Department will notify the public of any further actions as appropriate once it completes its review.</p>		

2020 Field Assistance Bulletins

Number	2020 Letter Subject	Date/Format
2020-8	Telemedicine and Serious Health Conditions under the Family and Medical Leave Act (FMLA)	December 29, 2020 (PDF)
2020-7	Electronic posting for purposes of the FLSA, FMLA, Section 14(c) of the FLSA, EPPA, and SCA *Edited January 13, 2021	December 29, 2020 (PDF)
2020-6	Temporary enforcement position regarding exempt 13(a)(3) establishments running alternative programming in 2020 because of the COVID-19 pandemic	September 15, 2020 (PDF)
2020-5	Employers' obligation to exercise reasonable diligence in tracking teleworking employees' hours of work	August 24, 2020 (PDF)

2020		
Number	Letter Subject	Date/Format
2020-4	FFCRA leave based on the closure of summer camps, summer enrichment programs, or other summer programs	June 26, 2020 (PDF)
2020-3	When schools that are physically closed are considered in session for purposes of Child Labor	June 26, 2020 (PDF)
2020-2	Practice of Seeking Liquidated Damages in Settlements in Lieu of Litigation	June 24, 2020 (PDF)
2020-1	Temporary Non-Enforcement Period Applicable to the Families First Coronavirus Response Act (FFCRA)	March 24, 2020 (TEXT)

2019 Field Assistance Bulletins

2019		
Number	Letter Subject	Date/Format
2019-3	Compliance with the H-1B Notice Requirement by Electronic Posting	March 15, 2019 (PDF , TEXT)
2019-2	Dual jobs and related duties under Section 3(m) of the Fair Labor Standards Act (FLSA)	February 15, 2019 (PDF , TEXT)
2019-1	WHD Enforcement of WIOA Limitations on Payment of Subminimum Wages under FLSA 14(c) – Section 511’s Definition of “Subminimum Wages”	February 15, 2019 (PDF , TEXT)

2018 Field Assistance Bulletins

2018		
Number	Letter Subject	Date/Format
2018-4	Determining Whether Nurse or Caregiver Registries are Employers of the caregiver	July 13, 2018 (PDF , TEXT)
2018-3	Amendment to FLSA Section 3(m) Included in Consolidated Appropriations Act, 2018	April 6, 2018 (PDF , TEXT)
2018-2	Determining Whether Interns at For-Profit Employers Are Employees Under the FLSA	January 5, 2018 (PDF , TEXT)

2018		
Number	Letter Subject	Date/Format
2018-1	Nonenforcement Policy with respect to service advisors and the Section 13(b)(10)(A) exemption under the FLSA	January 5, 2018 (PDF , TEXT)

2017 Field Assistance Bulletins

2017		
Number	Letter Subject	Date/Format
2017-1	Enforcement of FLSA Tip Credit for Tipped Employees Employed under an H-2B Application for Temporary Employment Certification	January 17, 2017 (PDF , TEXT)

2016 Field Assistance Bulletins

2016		
Number	Letter Subject	Date/Format
2016-5	Assessment of Child Labor Civil Money Penalties	December 19, 2016 (PDF , TEXT)
2016-4	Enforcement of Field Operations Handbook Provisions 30d and 32j18 (2016)	December 15, 2016 (PDF , TEXT)
2016-3	Disability Payments as “Earnings” Under the Consumer Credit Protection Act	November 30, 2016 (PDF , TEXT)
2016-2	WHD Enforcement of WIOA Limitations on Payment of Subminimum Wages under FLSA Section 14(c)	July 27, 2016 (PDF , TEXT)
2016-1	Exclusion of Sleep Time from Hours Worked by Domestic Service Employees	April 25, 2016 (PDF , TEXT)

2015 Field Assistance Bulletins

2015		
Number	Letter Subject	Date/Format
2015-1	Credit toward Wages under Section 3(m) of the FLSA for Lodging Provided to Employees	December 17, 2015 (PDF , TEXT)

2013 Field Assistance Bulletins

2013		
Number	Letter Subject	Date/Format
2013-1	Egg Processing Activities as Agriculture Under the Fair Labor Standards Act (FLSA)	April 29, 2013 (PDF , TEXT)

2012 Field Assistance Bulletins

2012		
Number	Letter Subject	Date/Format
2012-3	General Guidance on Voluntary Assignments of Wages under the H-2A Program	May 17, 2012 (PDF , TEXT)
2012-2	Enforcement of 2011 Tip Credit Regulations	February 29, 2012 (PDF , TEXT)
2012-1	H-2A "Abandonment or Termination for Cause" Enforcement of 20 CFR § 655.122(n)	February 28, 2012 (PDF , TEXT)

2011 Field Assistance Bulletins

2011		
Number	Letter Subject	Date/Format
2011-3	Assisting in the Operation of Power-Driven Patient/Resident Hoists/Lifts Under the Child Labor Provisions of the Fair Labor Standards Act	July 13, 2011 (PDF , TEXT)
2011-2	H-2A "Prohibited Fees" and Employer's Obligation to Prohibit Fees	May 6, 2011 (PDF , TEXT)
2011-1 - Addendum 2	Certification of Supplement B Forms of U Nonimmigrant and T Nonimmigrant Visa Applications	July 1, 2011 (PDF , TEXT)
2011-1 - Addendum	Certification of Supplement B of U Nonimmigrant Visa Applications	April 28, 2011 (PDF , TEXT)
2011-1	Certification of Supplement B of U Nonimmigrant Visa Applications	April 28, 2011 (PDF , TEXT)

2010 Field Assistance Bulletins

2010		
Number	Letter Subject	Date/Format

2010		
Number	Letter Subject	Date/Format
2010-2	Change in Application of the FLSA § 13(b)(1) "Motor Carrier Exemption"	November 4, 2010 (PDF , TEXT)
2010-1	Assessment of Child Labor Civil Money Penalties The Wage and Hour Division is reviewing Field Assistance Bulletin 2010-1, <i>Assessment of Child Labor Civil Money Penalties</i> , and has removed it from its Web site. It is the intention of the Wage and Hour Division to issue revised guidance on this subject in the near future.	January 20, 2010

2009 Field Assistance Bulletins

2009		
Number	Letter Subject	Date/Format
2009-2	Travel and Visa Expenses of H-2B Workers Under the FLSA	August 21, 2009 (PDF , TEXT)

2007 Field Assistance Bulletins

2007		
Number	Letter Subject	Date/Format
2007-2	Change in Application of the FLSA § 13(b)(1) "Motor Carrier Exemption"	May 23, 2007 (PDF , TEXT)
2007-1	Enforcement Provisions Applicable to H-2B Workers	May 2, 2007 (PDF , TEXT)

2006 Field Assistance Bulletins

2006		
Number	Letter Subject	Date/Format
2006-3	Computer Employees Professional Exemption	December 14, 2006 (PDF , TEXT)
2006-2	IBP vs. Alvarez	May 31, 2006 (PDF , TEXT)
2006-1	Guidance on MSPA Vehicle Safety Standards	March 1, 2006 (PDF , TEXT)

2005 Field Assistance Bulletins

Number	2005 Letter Subject	Date/Format
2005-1	Application of Fair Labor Standards Act Section 13(a)(15) to Third Party Employers	December 1, 2005 (PDE , TEXT)

Other Interpretive Guidance

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