

## Title 29: Labor

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### PART 776—INTERPRETATIVE BULLETIN ON THE GENERAL COVERAGE OF THE WAGE AND HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

(Regulations in effect on October 27, 2023)

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#### **§776.5 Coverage not dependent on method of compensation.**

The Act's individual employee coverage is not limited to employees working on an hourly wage. The requirements of section 6 as to minimum wages are that “each” employee described therein shall be paid wages at a rate not less than a specified rate “an hour”.<sup>[15]</sup> This does not mean that employees cannot be paid on a piecework basis or on a salary, commission, or other basis; it merely means that whatever the basis on which the workers are paid, whether it be monthly, weekly, or on a piecework basis, they must receive at least the equivalent of the minimum hourly rate. “Each” and “any” employee obviously and necessarily includes one compensated by a unit of time, by the piece, or by any other measurement.<sup>[16]</sup> Regulations prescribed by the Administrator ([part 516 of this chapter](#)) provide for the keeping of records in such form as to enable compensation on a piecework or other basis to be translated into an hourly rate.<sup>[17]</sup>

[[35 FR 5543](#), Apr. 3, 1970]

Footnotes - [776.5](#)

<sup>[15]</sup> Special exceptions are made for Puerto Rico, the Virgin Islands, and American Samoa.

<sup>[16]</sup> *United States v. Rosenwasser*, 323 U.S. 360.

<sup>[17]</sup> For methods of translating other forms of compensation into an hourly rate for purposes of sections 6 and 7, see [parts 531](#) and [778 of this chapter](#).

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## §776.6 Coverage no dependent on place of work.

Except for the general geographical limitations discussed in [§ 776.7](#), the Act contains no prescription as to the place where the employee must work in order to come within its coverage. It follows that employees otherwise coming within the terms of the Act are entitled to its benefits whether they perform their work at home, in the factory, or elsewhere.<sup>[18]</sup> The specific provisions of the Act relative to regulation of homework serve to emphasize this fact.<sup>[19]</sup>

Footnotes - [776.6](#)

<sup>[18]</sup> *Walling v. American Needlecrafts*, 139 F. 2d 60 (C.A. 6); *Walling v. Twyeffort Inc.*, 158 F. 2d 944 (C.A. 2); *McComb v. Homeworkers' Handicraft Cooperative*, 176 F. 2d 633 (C.A. 4).

<sup>[19]</sup> See 6(a)(2); Sec. 11(d).

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