

WORKFORCE DEVELOPMENT DIVISION
Workforce Policy and Service Delivery Branch
Technical Assistance Bulletin 183

Program: **Choices and Food Stamp Employment and Training**

Subject: **Calculating Participation Hours Subject to the Fair Labor Standards Act
Using the New Minimum Wage**

Date: **May 28, 2008**

This Technical Assistance (TA) Bulletin provides Local Workforce Development Boards (Boards) with information on calculating participation hours subject to the Fair Labor Standards Act (FLSA) using the new federal minimum wage.

On July 24, 2008, the federal minimum wage increases to \$6.55 per hour. Texas Workforce Commission Choices rule §811.29 and Food Stamp Employment and Training (FSE&T) rule §813.11 require Boards to comply with FLSA when calculating the maximum number of hours that Choices and FSE&T participants are required to participate in an unpaid work activity subject to FLSA requirements—e.g., community service, work experience, or workfare.

It is important that Technical Assistance Bulletin 156, issued August 1, 2007, and entitled “Calculating Participation Hours Subject to the Fair Labor Standards Act Using the New Minimum Wage,” which provides information on the minimum wage that became effective July 24, 2007, continue to be used to calculate the number of participation hours in unpaid work activities subject to FLSA requirements through June 30, 2008.

Effective July 1, 2008, the new minimum wage of \$6.55 per hour will be used to calculate the number of participation hours for Choices and FSE&T participants enrolled in an unpaid work activity subject to FLSA requirements.

Please distribute this information to appropriate staff. Direct inquiries regarding this TA Bulletin to wfpolicy.clarifications@twc.state.tx.us.