
29 C.F.R. § 790.21

Time for bringing employee suits.

(a) The Portal Act ^[1] provides a statute of limitations fixing the time limits within which actions by employees under section 16(b) of the Fair Labor Standards Act ^[2] may be commenced, as follows:

(1) Actions to enforce causes of action accruing on or after May 14, 1947; two years.

(2) Actions to enforce causes of action accruing before May 14, 1947. ^[3] Two years or period prescribed by applicable State statute of limitations, whichever is shorter.

These are maximum periods for bringing such actions, measured from the time the employee's cause of action accrues to the time his action is commenced. ^[4]

(b) The courts have held that a cause of action under the Fair Labor Standards Act for unpaid minimum wages or unpaid overtime compensation and for liquidated damages “accrues” when the employer fails to pay the required compensation for any workweek at the regular pay day for the period in which the workweek ends. ^[5] The Portal Act ^[6] provides that an action to enforce such a cause of action shall be considered to be “commenced”:

(1) In individual actions, on the date the complaint is filed;

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