be rebutted by the agency as described in § 551.605(b).

- (c) Waiver of rights. An employee who will accept payment in connection with an administrative decision on a claim must first agree in binding written form that, by accepting the award, the employee waives the right to pursue the matter in the courts or in any administrative forum. This requirement does not apply to payments made in connection with administrative adjudication of claims under § 551.602(a).
- (d) *Reprisal*. An employee alleging reprisal for filing a complaint or causing one to be filed may file a request for review of the allegation under the procedures described in §§ 551.602 (a) or (b) whichever applies to the employee.

§ 551.605 Agency responsibilities.

- (a) Processing complaints. Each agency, after providing the complainant written acknowledgement of receipt of the complaint, must process complaints under the Act that are filed under the procedures described in §§ 551.602 (a) and (b). Complaint decisions must apply the requirements of the Act and part 551 and adhere to any relevant legal interpretations issued under § 551.606(a).
- (b) Hours-of-work complaints. When an employee has established under § 551.604(b) that he or she has been improperly compensated, the agency has the burden to provide evidence of either the precise amount of work performed or evidence to negate the reasonableness of the inference to be drawn from the employee's evidence.
- (c) *Records.* Each agency must maintain the following records:
- (1) *Hours of work.* Complete and accurate records of all hours worked by an agency's employees are required by section 11(c) of the Act and § 551.402.

The agency must keep such records for a minimum period of 6 years or after GAO audit, whichever is sooner.

- (2) Administrative complaint processes. Records of these processes include, at a minimum, any decisions issued under § 551.602. These records are maintained within an agency's established system of records.
- (d) Legal basis for pay. An agency cannot voluntarily apply the pay provisions of the Act to an employee not covered by it, or to an employee that has been determined to be exempt from the Act. In such circumstances, no legal basis exists for making payment under the Act.
- (e) Service of administrative adjudication decisions. Agencies are required to send one copy of each final agency administrative decision issued under §§ 551.602 (a) or (b) to the following address: United States Office of Personnel Management, Office of Agency Compliance and Evaluation, 1900 E Street NW., Washington, DC 20415.
- (f) Prohibition against reprisal. Section 15(a)(3) of the Act prohibits discharge of an employee, or discrimination against an employee, in reprisal for filing a complaint under the Act or causing one to be filed.

§551.606 OPM responsibilities.

(a) Legal interpretations. OPM may issue legal interpretations on FLSA matters on its own initiative or at the request of others, including agency officials, individuals, representatives of individuals (or groups), and arbitrators. Legal interpretations are meant to convey official interpretations of the Act and this part and do not constitute findings of fact for individual (or group) complaints. They are, however, binding with respect to policy issues arising in the context of FLSA complaints adjudicated within an agency. Legal

- interpretations may be requested by writing to the address designated in § 551.608.
- (b) Technical assistance. OPM provides technical assistance regarding employee or agency obligations under the Act in response to requests from all sources. Such assistance does not have the force and effect of official legal interpretations issued under paragraph (a) of this section.
- (c) Corrective action. OPM will require agency action to correct violations of the Act except when the same issues affecting the same employees are under consideration in an agency complaint forum that can also lead to corrective action. Corrective actions may include designation of FLSA exemption status, orders to compute back pay, assurance from the agency of future compliance, or other appropriate action.

§ 551.607 Judicial review.

An employee may seek judicial review of a complaint in a manner prescribed by law.

§551.608 OPM addresses.

Requests for legal interpretations and technical assistance under § 551.606 (a) or (b) involving an FLSA matter in the Washington, DC Metropolitan Area or anywhere outside the 50 States. Puerto Rico, the Virgin Islands, and the Pacific Ocean area must be sent to: United States Office of Personnel Management, Office of Agency Compliance and Evaluation, 1900 E Street NW., Washington, DC 20415. Requests for legal interpretations involving matters in other geographical areas also must be sent to the above address while requests for technical assistance must be sent to the appropriate OPM regional office as follows:

OPM Regional Office

Atlanta Region, OPM, Richard B. Russell Fed. Building, 75 Spring Street SW., Atlanta, GA 30303, Telephone: (404) 331–3451.

Chicago Region, OPM, John C. Kluczynski Fed. Building, 230 South Dearborn Street, Chicago, IL 60604, Telephone: (312) 353–0387.

Dallas Region, OPM, 1100 Commerce Street, Dallas, TX 75242, Telephone: (214) 767–0561.

Philadelphia Region, OPM, Wm. J. Green, Jr., Fed. Bldg., 600 Arch Street, Philadelphia, PA 19106, Telephone: (215) 597–9797.

San Francisco Region, OPM, 120 Howard Street, 7th Floor, San Francisco, CA 94105, Telephone: (415) 281–7050.

Areas covered

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, West Virginia, and Wisconsin.

Arkansas, Arizona, Colorado, Louisiana, Montana, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Virgin Islands.

Alaska, California, Hawaii, Idaho, Nevada, Oregon, Pacific Ocean Area, and Washington.