**Sec. 31-60-1. Piece rates in relation to time**

**rates or incentive pay plans, including**

**commissions and bonuses.**

(a) Definitions. For the purpose of this regulation,

“piece rates” means an established rate per unit of

work performed without regard to time required for

such accomplishment. “Commissions” means any

premium or incentive compensation for business

transacted whether based on per centum of total

valuation or specific rate per unit of accomplishment.

“Incentive plan” means any method of compensation,

including, without limitation thereto, commissions,

piece rate, bonuses, etc., based upon the amount of

results produced, where the payment is in accordance

with a fixed plan by which the employee becomes

entitled to the compensation upon fulfillment of

the conditions established as part of the working

agreement, but shall be subject to the limitation

hereinafter set forth.

(b) Record of wages. Each employer shall maintain

records of wages paid to each employee who is

compensated for his services in accordance with

an incentive plan in such form as to enable such

compensation to be translated readily into terms of

average hourly rate on a weekly basis for each work

week or part thereof of employment.

**(c) Piece rates in relation to time rates:**

**(1) When an employee is compensated solely at**

**piece rates he shall be paid a sufficient amount**

**at piece rates to yield an average rate of at least**

**the minimum wage for each hour worked in any**

**week, and the wage paid to such employee shall**

**be not less than the minimum wage for each hour**

**worked.**

**(2) When an employee is compensated at piece**

**rates for certain hours of work in a week and at an**

**hourly rate for other hours, the employee’s hourly**

**rate shall be at least the minimum wage and his**

**earnings from piece rates shall average at least**

**the minimum wage for each hour worked on piece**

**rate for that work week, and the wage paid to such**

**employee shall not be less than the minimum wage**

**for each hour worked.**

(3) When an employee is employed at a combination

of hourly rate and piece rate for the same hours of

work (i.e., an incentive pay plan superimposed

upon an hourly rate or a piece rate coupled with

a minimum hourly guarantee), the employee shall

receive an average rate of at least the minimum

wage an hour for each hour worked in any week and

the wage paid to such employee shall be not less

than the minimum wage for each hour worked.