

Wage and Hour Issues

The Fair Labor Standards Act (FLSA) governs wage and hour requirements for employers and establishes standards to define who is exempt from the law's overtime and recordkeeping requirements. The FLSA and the many state statutes that regulate wage and hour issues create a confusing web of requirements that can result in significant liability for employers.

Our team is adept at counseling clients on wage and hour compliance issues both under the FLSA and state law. We work collaboratively with our clients to create company policies and procedures that comply with applicable law and minimize the risk of litigation. We regularly assist employers in conducting wage and hour self-audits and have successfully resolved several national class-action wage and hour disputes. Our litigation team also represents clients in federal and state courts, before federal and state labor agencies, and during arbitration and other alternative dispute resolution (ADR) procedures.

Wage and hour issues have taken center stage in both federal and state legislatures in recent years, issues including overtime regulations, classification of "employees" and "independent contractors," and the rules regarding joint employers. As part of a firm with deep Washington roots and a nationwide reach, we are able to provide clients with unique experience and insight to navigate immediate challenges and plan effectively for their company's future.

Our capabilities include:

- Classification of Exempt and Nonexempt Employees
- Calculation of Regular and Overtime Rates
- Determination of What Constitutes "Hours Worked"
- Distinguishing Between "Employees" and "Independent Contractors"
- FLSA Compliance
- Recordkeeping Obligations

Our representative experience includes:

- Reviewing existing internal controls and policies to ensure compliance with the FLSA's rules regarding classification of employees and independent contractors and providing guidance on best practices to ensure minimal liability.

- Assisting a media company with a variety of different types of employees that fit a variety of overtime exemptions with compliance with the latest FLSA overtime rule that raised the minimum salary basis for overtime exemptions.
- Assisting employers in preparing for wage and hour audits and negotiating with the Department of Labor to efficiently rebut and resolve potential liabilities.
- Resolving a nationwide class claim of wage-hour classification violations without litigation.
- Serving as federal counsel in defense of nationwide wage-hour class action claims arising from alleged off-the-clock work.