

WAGE & HOUR COMPLIANCE

We advise clients on all aspects of employee pay issues, including properly classifying employees as exempt or non-exempt under Fair Labor Standards Act (FLSA) and applicable state overtime rules; ensuring that relationships with independent contractors are not recharacterized as employment relationships; and all of the pay, time, deduction, benefits issues that arise when employees are terminated. Our attorneys also advise on when it may be appropriate to use a Department of Labor-approved pay plan for non-exempt employees, and how overtime should be calculated under such a plan.

Our attorneys litigate cases nationwide concerning wage and hour issues under state and federal law. We are experienced in defending FLSA “collective action” cases. Our attorneys also assist clients when the Department of Labor investigates their pay practices.

Representative Experience

- Defense of FLSA nationwide collective action alleging failure to include allegedly non-discretionary bonuses in regular rate of pay
- Defense of FLSA collective action based on contractor misclassification
- Defense of and obtained dismissal of putative collective action based on alleged off-the-clock work allegations on 12(b)(6) grounds
- Defense of putative class action alleging violation of NC Wage & Hour stemming from payment of commissions
- Successful negotiation of resolution of alleged child labor violations after filing appeal from fines assessed by US Department of Labor
- Defense of US DOL wage and hour audit based on piece rate arrangement, resulting in no payment obligation by the client