

## Wage and Hour

When a wage and hour violation affects many employees over an extended period of time, it can give rise to substantial liability, even if the employer acted in good faith.

### Overview

Counseling clients about wage and hour issues, performing wage and hour compliance reviews, and defending related litigation and government agency investigations have been among our firm's core services for more than 60 years. With offices spread across the country, we offer our clients a network of experienced wage and hour attorneys with extensive knowledge of state and federal wage and hour laws.

### A Preventive Approach: Jackson Lewis' Compliance Review Capabilities

We believe it is important to address potential wage and hour issues before plaintiffs bring a lawsuit or the government begins an investigation. We regularly assist clients in reviewing company policies and practices, pointing out any areas of non-compliance, and making suggestions for how to come into compliance in a way that fits with the client's operational needs and minimizes the risk of subsequent litigation or government investigation.

Some of the areas we focus on include:

- Classifying employees as exempt or non-exempt from overtime, including examining job duties as well as compensation practices such as deductions from wages;
- Classifying workers as independent contractors or employees;
- Proper compensation for all hours worked by non-exempt employees, including activities at the start and end of the workday and tasks performed away from the workplace;
- Properly calculating overtime, including considering all required compensation in the regular rate and the allocation of compensation items to the proper workweeks;
- Compliance with prevailing wage and fringe benefits requirements on government contracts;
- Proper treatment of meal and rest periods;
- Whether an employer uses the fluctuating workweek correctly;
- Compliance with child labor laws;
- Timekeeping procedures; and

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- Recordkeeping.

## Defending Wage and Hour Litigation

In addition to compliance-related counseling, our attorneys regularly litigate wage and hour cases, including single-plaintiff, class, collective, and hybrid actions in federal and state courts, and are consistently at the forefront of emerging issues in FLSA and state wage and hour law. While most of these cases focus on whether employers have properly classified employees as “exempt” from overtime pay requirements or whether non-exempt employees received pay and overtime for all hours worked, we also handle class actions involving a broad range of other wage and hour issues, such as paycheck requirements, bonus calculations, vacation pay, uniforms and dress codes, timekeeping, and waiting time penalties. On a daily basis, our attorneys handle claims alleging misclassification of workers’ exempt status, overtime pay violations, “off the clock” work, inaccurate time and payroll records, time clock rounding practices, and other wage and hour issues for many employers with nationwide or multi-state operations. We are currently defending hundreds of collective or class actions brought by private parties as well as investigations by federal and state Departments of Labor.

Our basic approach in defending employers in wage and hour class actions can be summarized as a vigorous and focused defense coupled with lean staffing by experienced class action attorneys. We provide realistic assessments of liability and damages as early as possible in the litigation, and we work to develop strategies that make business sense, recognizing the implications for the business operations going forward.

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\*The National Operations Center serves as the firm’s central administration hub and houses the firm’s Facilities, Finance, Human Resources and Technology departments.