Fair Labor Standards Act - Update

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Fair Labor Standards Act - Update

- Increase in FLSA collective actions locally
- Proposed salary changes in regulations
- Independent contractor issues
FLSA Collective Actions

- Law firms targeting oil and gas in South Texas and Southwest Louisiana
- Salary plus day rate
- Per Diem/Bonuses
- *Must* pay overtime to non-exempt workers

**Do you work...**

- More than 40 hours a week?
- More than 8 hours in 1 day?

You may be owed Overtime Wages!

Learn Your Rights >>
FLSA Requirements

- Minimum Wage
- Overtime
- Recordkeeping
- Exemptions
  - Limited/Narrow
  - White Collar (All)
  - Seamen (OT)
FLSA Regulatory Change

- White Collar Exemptions
  - Salary basis
  - Minimum salary
  - Duties
- Current minimum salary = $23,660
- New Regulations increase to $50,440 ($970 per week)
- Change expected in first half of 2016
- Stay tuned …
FLSA – Independent Contractors

- July 15, 2015 – Administrator’s Interpretation (summary of DOL law)
  - Economic Realities Test
  - Focus – Economic dependence on employer
- Taxes, social security, healthcare, immigration, unemployment and workers’ compensation.
FLSA – Independent Contractors

✓ Whether work performed is integral part of business.
✓ Whether worker’s managerial skill affects opportunity for profit or loss.
✓ Relative investment by worker compared to that of employer.
✓ Permanency of relationship.
✓ Degree of control by employer.
Thank You

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