



Wage & Hour Considerations for Texas Employers in the COVID-19 Era

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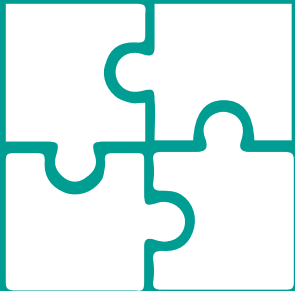
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Agenda



- 01** Identifying and avoiding wage and hour issues in your non-exempt workforce.
- 02** Managing your exempt workforce to limit wage and hour issues.
- 03** Other wage and hour issues in the COVID-19 era.
- 04** Recent developments at the Department of Labor, Wage and Hour Division.
- 05** Best practices and strategies for handling Department of Labor investigations.

Identifying and avoiding wage and hour issues in your non-exempt workforce.



- **“Off-the-clock” work.**
- **Expense reimbursement issues with the rise of at-home work.**
- **Activities triggering compensable time:**
 - Temperature checks
 - Donning and doffing personal protective equipment
 - Sanitization
 - Waiting for elevators, etc.
- **Meal and rest break compliance issues.**

Managing your exempt workforce to limit wage and hour issues.



- **Impact of furloughs on salary-basis test.**
- **Misclassification issues with a reduced workforce, for example:**
 - Skeleton crews
 - All-hands-on-deck

Other wage and hour issues in the COVID-19 era.

- **Hazard pay and the regular rate**
- **Legal challenges to modified incentive and commission plans**



Recent developments at the Department of Labor, Wage and Hour Division.




- **Changes to the fluctuating workweek regulations.**
- **Updated regulations on the Section 7(i) exemption for retail establishments.**

Best practices and strategies for handling Department of Labor investigations.



- **What to expect when the Department of Labor comes calling.**
- **Tips and best practices from a former Senior Wage and Hour Investigator.**

Seyfarth's COVID-19 Resources



Seyfarth **Post-Pandemic Recovery and Renewal**

Planning and Executing a Strategic and Successful Return to Work

We have assembled a cross-disciplinary Recovery and Renewal team who can advise you on the current state of business impact as a result of COVID-19, and what the future holds for business. Our team of 100+ lawyers is already deeply credentialed, having advised thousands of clients on the developments of the rapidly changing pandemic across the globe. We have a deep understanding of how the pandemic is affecting businesses and industries deemed essential and non-essential, and the related legal, business, and workforce issues specific to all. Likewise, we are already helping clients build phased return-to-work plans by modeling various scenarios for how business might resume—from continued social distancing to a full engagement of their workforces in full operations.

We are ready to leverage our knowledge to help you reengage in business—and grow.

We recognize that your business is unique and the legal landscape faces unprecedented complexity. Accordingly, we employ a three-step process to prepare a comprehensive, bespoke return-to-work toolkit for our clients.

1. Review

- Investigation and audit of pre-pandemic business status quo
- Step-by-step checklist addressing business elements and pandemic
- Establish goals and overall business strategy for near, mid, and long term

2. Analysis

- Business review in the new legal and business landscape using Seyfarth's in-depth **Return to Work Treatise**
- Strategic conversations regarding return-to-work timing, business considerations, and growth opportunities
- Identification of legal landmines with strategies for minimizing risk
- **Return to Work Selection Process Guide**

3. Implementation

- Execution of custom plan for return to work: phased/all/none; employee selection; employee screening protocol; workplace safety plan; communications cascade
- Access to Seyfarth's first-in-class **Policy, Communications & Tracker Repository**

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|----------------------------------|----------------------------|----------------------|
| • Positive test / confirmed Case | • Face covering | • Work from home |
| • Temperature screening | • Business travel | • FFCRA request |
| • Antibody testing | • Expense reimbursement | • Infectious disease |
| • Social distancing | • Visitor self-Declaration | |

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- **Seyfarth's COVID-19 Resource Center**

- www.seyfarth.com/covid19

- **Sign Up For Seyfarth's Latest COVID-19 Updates**

- <https://connect.seyfarth.com/33/48/landing-pages/rsvp-blank---covid-19.asp?sid=blankform>

- **Seyfarth Post-Pandemic Recovery and Renewal**

- <https://www.seyfarth.com/services/practices/advisory/post-pandemic-recovery-and-renewal.html>

- **Seyfarth COVID-19 Webinars on Demand**

- www.youtube.com/playlist?list=PLg0AI7yn7R3cVmPQJEU_TYilEfffzrSgJdv



Thank You!