

***Third Thursday* –Crowell & Moring’s Wage Hour Briefing**

February 21, 2013

The webinar will begin shortly. Please stand by.

Today's Presenters



Andrew Bagley



Chris Calsyn



Trina Fairley-Barlow



Tom Gies

A New Year at the DOL

- New Leadership Activities
- New Regulatory Initiatives

A New Year at the DOL

- New Leadership
 - Acting Secretary of Labor Seth Harris
 - More Investigators
 - More (Surprise) Audits

A New Year at the DOL

- New Regulatory Initiatives
 - Contractor/employee misclassification
 - The “Right to Know” Initiative
 - Survey announced January 11, 2013
 - Stalking horse for a “classification analysis” mandate?

A New Year at the DOL

- New Regulatory Initiatives
 - The Companionship Exemption

A New Year at the DOL

- Regulation through Opinion Letter
 - Sandifer et al. v. U.S. Steel Corp., CA 7
 - National Restaurant Association et al v. Solis, D.D.C. July 2012
 - Mortgage Bankers Litigation v. Solis, D.D.C. June 2012

A New Year at the DOL

- Regulation by Amicus Brief
 - Sutherland v. Ernst & Young LLP (CA 2)

Remote Workers

- Hypothetical No. 1
 - Retail employee provides customers his cell phone number. Customers call the sales representative on that number at times when he is not at work.

Remote Workers

- Hypothetical No. 2
 - Dedicated office clerk reaches out to her supervisor during off hours to discuss status of tasks and to coordinate deadlines. Clerk uses her personal email account.

Remote Workers

- Hypothetical No. 3
 - Managers sent group-wide email or text message requesting status updates from each member of the group. Some of the group members are off-duty when the email comes in.

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