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# Fair Labor Standards Act - Update

*Presented by:*

*Tim Scott*

*Phone: (504) 529-3834*

*Email: [tscott@laborlawyers.com](mailto:tscott@laborlawyers.com)*

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# Fair Labor Standards Act - Update

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



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# 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 >>**

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# FLSA Requirements



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

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# 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 ...



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# 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.

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# 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.

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# Thank You

*Presented by:*

**Timothy H. Scott**

Phone: (504) 529-3834

Email: [tscott@laborlawyers.com](mailto:tscott@laborlawyers.com)

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