



CAPABILITIES / LABOR & EMPLOYMENT

## Wage & Hour

Helping companies navigate and comply with ever-changing wage and hour regulations, avoiding costly penalties and litigation.

### OVERVIEW

*“Wage and hour is quickly becoming one of our clients’ biggest concerns. We partner with them to avoid pitfalls, ensure consistency, and prevent unintended violations.”*

— Ivo Becica

Wage and hour disputes can put any employer in a vulnerable position, especially with the popularity of large, nationwide class and collective actions. Even an unintentional and unknowing technical violation can result in a seven-figure settlement or award. Workers pursue a wide array of violations via wage and hour administrative claims and lawsuits, including minimum wage and overtime, employee misclassification, spread of hours, tip and meal credits, and notice requirements. Defending a claim, class action or other dispute can be costly, and federal and state laws in this arena are highly detailed, inconsistent, and confusing. Employers are at a high risk of making missteps, and the back pay, liquidated damages, and penalties for even minor violations can far exceed any harm. The ever-expanding laws, paired with increased government enforcement actions, result in significant and costly challenges for employers.

### Our Value

Obermayer’s team of seasoned labor and employment attorneys partner with employers in a variety of industries. We know the only certain way for employers to “win” a wage dispute is to avoid it in the first place; therefore, we provide companies with the tools they need to comply with applicable wage and hour laws. We also audit current payroll practices and correct areas that may be out of compliance with ever-changing wage and hour rules.

Clients find it reassuring that we immediately respond to address their questions and concerns. They also

appreciate that we act in concert with their internal team as an extension of their operations. This takes diligence, creativity, and resourcefulness, as wage and hour work is often tedious and requires sorting through significant data in order to assess whether the employer is properly compensating employees.

**Our Clients**

Whether our clients come to us with general questions or a specific pending legal matter, we identify and educate them about obligations under the law, work to minimize potential liability, and advise on how to minimize exposure. In the event a claim is brought against a client, we have the depth and experience to aggressively defend the claim, whether in federal or state court or before agencies.

**Our Focus**

We leverage our extensive wage and hour experience to minimize disruption of the clients' operations when a dispute arises. We provide early case assessment, thereby reducing costs, minimizing future risk, and addressing and resolving the underlying business problems. Our seasoned attorneys use their knowledge to ensure the scope of the investigation is clear and does not escalate. We tailor our approach to the achieving our clients' particular desired end game.

**EXPERIENCE**

- We defeated the certification for a nationwide collective action on behalf of a school bus company. Drivers sought class certification to recover unpaid overtime based on alleged misclassification.
- We represented a delivery company in a class and collective action of potentially hundreds of current and former employees. We successfully defeated an injunction which sought to expand the case to include allegations of retaliation and later successfully opposed discovery to limit the scope of information available and the size of the potential class, thereby reducing damages by millions.
- We represented a client in a state Department of Labor audit, where the state was seeking hundreds of thousands of dollars in unpaid overtime. The case was resolved for \$2,500.

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