Essential Workers
Essential Protections
Wage and Hour Division

Who we are
Enforcing Workplace Protections

• 10 million establishments nationwide and 148 million workers covered.

• More than 200 WHD offices throughout the country.

• More than 200 languages spoken.
Enforcement Regardless of Immigration Status

• Labor laws cover all workers, regardless of immigration status

• Protections apply regardless of immigration status

• WHD does not ask workers about their immigration status
Regional Outreach Events

• Planning more than 100 local outreach events
• Keep an eye out for more information about these events, including registration links
Ensuring Fair Pay

1.3 Million+ workers helped by WHD in the past five years. That's more than the entire populations of Las Vegas, NV, Orlando, FL, and Cincinnati, OH, COMBINED.

$1.4 Billion+ in back wages recovered by WHD in the last five years.
What we do
Achieving Compliance

- Investigations
- Outreach to workers
- Education for employers
- Partnerships
Agency-Initiated Enforcement

- National and regional strategic enforcement initiatives focus on industries that employ essential workers
Education promotes compliance

- Education and outreach for workers to understand and exercise their rights
- Education and outreach for employers to increase compliance
Increasing Our Impact

- Collaborations and consultations
- Communities of Color
- Community-based organizations
- Worker Centers
- Unions

- Business associations
- Federal and state agencies
- Worker rights organizations
- Foreign consulates
Wage and Hour Division

We serve workers and employers
Essential Workers

- Agriculture
- Health Care
- Grocery
- Delivery Services
- First Responders
- Public Transportation
- Restaurant
- Construction
- Guards
- Hotel Workers
- Landscaping
- Janitorial Services
Risks for **Essential Workers**

- Low wages
- Work “off the clock”
- At-risk employment relationships (including misclassification)
- Increased exposure to a variety of workplace risks and hazards
- Denial of qualified leave
Essential Protections

- Payment of minimum wages and overtime
- Youth employment standards
- Job protections for time taken for the birth of a child or caring for sick family members
- Housing and transportation standards for farm workers
- Payment of prevailing wage rates for federally funded construction and service contract work
- Standards for hiring and paying workers temporarily in the U.S under H-2A, H-1B and H-2B visas
Essential Protections
Under the Fair Labor Standards Act
Fair Labor Standards Act (FLSA)

Essential Protections:

• Minimum wage: $7.25 per hour
• Overtime at “time and one-half” for hours worked over forty in a workweek
• Recordkeeping requirements
• Prohibited youth employment
• Anti-retaliation provisions
Hours Worked

• Hours worked per day and per workweek for the same employer

• Whether or not the employer counts the time as work time
Question:

My employer requires all employees to take their temperature related to **COVID-19** before entering the job site. Do I need to be **paid** for the time spent taking my temperature?
Regular Rate of Pay

Gross Weekly Straight Time Pay

\[
\text{HOURLY RATE} = \frac{\text{Total Hours Worked Weekly}}{\text{Total Hours Worked Weekly}}
\]
Regular Rate Example

50 hours @ $10.00 per hour

+ $100 bonus

$600 total compensation

$600/50 hours = Regular Rate of $12.00/hour

(Overtime needs to be based on $12.00/hour, not $10.00 hour)
Question:

I am an employee of a private employer that began paying me incentive payments, such as hazard pay, for working during the COVID-19 emergency. Do those incentive payments have to be included in the regular rate that is used to compute my overtime pay?
In non-agricultural jobs...

- Minimum age of employment is 14
- Hours and occupations are restricted for 14- and 15-year-olds
- Hazardous occupations are prohibited for every covered worker under 18 years of age
- Some exceptions for minors working for their parents
Hours Restrictions in **non-agricultural** jobs...

- Apply to 14- and 15-year-olds only
- Not during school hours
- No more than 3 hours on a school day or 8 hours on a non-school day
- No more than 18 hours during school weeks or 40 hours during non-school weeks
- Not before 7 a.m. and not after 7 p.m. except from June 1 to Labor Day when the time is extended until 9 p.m.
Question:

I am 15 years old. My school has physically closed due to COVID-19, but it would normally be in session. Am I permitted to work if I cannot physically go to classes?
Section 7 of the FLSA was amended by the Affordable Care Act to provide nursing employees, for up to 1 year after the child’s birth, with:

- Reasonable break time to express breast milk
- A place, other than a bathroom, that may be used to express milk
Question:

Are nursing mothers entitled to reasonable break time and space to express milk while teleworking during the COVID-19 pandemic?
Essential Protections
Under the Family Medical Leave Act
Family and Medical Leave Act

Essential Protections:

• Twelve workweeks of unpaid leave per leave year for qualifying reasons

• Job protection

• Protection of benefits and status while on leave

• Return to the same or an equivalent position
Question:

Can an employee who is *sick* with COVID-19, or who is caring for a family member who is sick with COVID-19, take FMLA leave?
Tax Credits for Paid Sick Leave

- American Rescue Plan extended tax credits for employers through September 30, 2021
- Up to $12,000 per worker
- Visit IRS.gov for more information
• Provided paid leave for COVID-19 related reasons.
• Applied to leave taken between April 1, 2020 and December 31, 2020.
• If an employer failed to pay a worker as required, worker may still file a complaint for up to two years.
Essential Protections
For Agricultural Workers
Agricultural Workers

**Essential protections:**

- Disclosure of wages, safe transportation and housing, field sanitation requirements, and protection for H-2A non-immigrant workers.
- Toilets, potable drinking water, and hand-washing facilities for hand-laborers in the field.
- Payment of a required wage and minimum guaranteed hours for H-2A workers.
- Protections apply regardless of immigration status.
Question:

I live with other agricultural workers in employer-provided housing and I am worried about the spread of COVID-19. Are there rules about overcrowding?
Wage and Hour Division

How we can help
How to File a Complaint

• Complaints can be submitted by phone.
• Complaints can come from third parties.
• Complaints are confidential.
• WHD does not ask workers about their immigration status.
• No fee to file a complaint.
Who May File a Complaint?

• Employees – Former and Present
• Parent/Guardian
• School Officials
• Other Employers
• Advocacy Groups
• Other Agencies
Complaint Intake Information

**Employee’s name**
- Contact information
- Address and phone number
- Employee’s duties/work
- Circumstances or actions that caused potential violation of the law
- Copies of pay stubs or personal hours worked records if available

**Employer’s name**
- Point of contact
- Address and phone number

This information is not required, but helps develop the case
Online Resources

- Workers owed back wages may be difficult to locate
- WHD searches for these workers
- “Workers Owed Wages” provides online access for workers and advocates to search our database

www.dol.gov/wow
Online Resources

- Worker.gov
- Employer.gov
Online Resources

Elaws Advisors

• Coverage and employment status advisor
• Overtime calculator
• Overtime security advisor
• Hours worked advisor

[ hyperlink: dol.gov/elaws ]
Contact Us

• Visit [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd)

• Call our toll-free information and helpline at **1-866-4US-WAGE (1-866-487-9243)**
Connect With Us

Visit HTTPS://WWW.DOL.GOV/NEWSROOM/DIGITAL

- WHD Twitter: https://twitter.com/whd_dol
- DOL Facebook: https://www.facebook.com/departmentoflabor
- DOL YouTube: https://www.youtube.com/user/USDepartmentofLabor
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