



## Wage & Hour

Our labor and employment group blends on-point knowledge with extensive trial experience to represent clients in wage and hour litigation nationwide.

### Strategies to Avoid Litigation

Because wage and hour lawsuits, government investigations, and enforcement actions are among the top threats to employers operating in the United States, we focus on developing strategies and policies that avoid costly wage and hour litigation. Before a lawsuit ensues or the government initiates an investigation, we audit wage and hour policies and practices, identify areas of noncompliance and offer solutions to minimize the risk of litigation or regulatory investigation.

### Strong Defense of Federal and State Claims

We defend claims in federal and state courts, including high-volume venues such as Illinois. Consistently at the forefront of emerging issues in FLSA and state wage and hour law, our group vigorously defends claims for misclassification of employees, unpaid meal breaks, pre- and postshift off-the-clock work, on-call time, donning and doffing, improper tip credit practices and improper calculation of overtime wages, bonuses and commissions.

We aggressively litigate both individual claims and class actions through well-planned defense strategies aimed at swift resolution and results that make business sense. In one recent example, we fought the plaintiffs' over-reaching claims and broad discovery and won the court's decertification of a class action; mooted the asserted multimillion dollar case; and achieved the result of a prompt dismissal of the lawsuit, securing a decisive victory for the client.

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#### KEY CONTACT

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#### RELATED CLIENT SERVICES

Corporate & Securities  
Employee Benefits & Executive  
Compensation  
Financial Restructuring  
Labor & Employment  
Real Estate  
Taxation

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## EXPERIENCE

- Defended corporate defendants in class action litigation alleging improper employee classification (i.e., application of the executive exemption to assistant and store managers), improper work-hours calculations and failure to pay overtime, and improper calculation of wages and overtime amounts in connection with bonus and commission payments.
- Represented a retail client in a FLSA collective action and state-counterpart claims alleging failure to pay overtime based on improper application of piece rates by the employer and propriety of independent-contractor classifications.
- Defended a company (including certain corporate officers) with 100+ retail stores in class action litigation alleging improper employee classification of assistant and store managers, improper work-hour calculations, failure to pay overtime and improper calculation of wages and overtime amounts in connection with bonus and commission payments.
- Defended a company against class action claims alleging failure to pay in excess of \$1 million to in-home installers based on purported miscalculation of travel and overtime wages.
- Defended a restaurant licensor and licensee against a class action complaint alleging miscalculation and/or underpayment of wages, tips and bonus amounts and failure to pay wages for all hours worked and/or overtime.
- Represented a retail client against claims alleging misapplication of executive exemption under the FLSA and resulting failure to pay overtime for all hours worked by employee.
- Defended a FLSA collective action filed by restaurant employees alleging failure to pay overtime for all hours worked, as well as alleged misapplication of professional, administrative and executive exemptions.
- Defended a lawsuit alleging failure to pay overtime for all hours worked at various restaurants, including assertion of defenses against the plaintiffs' alleged application of a "single employer" doctrine relative to various corporate defendants.
- Defended a health care client in a suit alleging failure to pay overtime for all hours worked.
- Defended a landscaping company alleging violations of the FLSA and the Illinois Minimum Wage law.
- Defended a metal manufacturing and distribution company against a FLSA claim alleging improper job classification/exemption and resulting failure to pay overtime.
- Defended a national service company regarding alleged FLSA and state-counterpart overtime violations; assertion of counterclaims against employee based upon falsification of time sheets and false claim for alleged overtime.



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- Defended a company against class action claims alleging failure to pay more than \$1 million to in-home countertop installers based on purported miscalculation of travel and overtime wages.
- Defended a chain of restaurants against a class action complaint alleging miscalculation and/or underpayment of wages, tips and bonus amounts and failure to pay wages for all hours worked and/or overtime.