

A Welcome Move For Employers - Department Of Labor Re-Establishes Wage And Hour Opinion Letters

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Last week, Alexander Acosta, U.S. Secretary of Labor, [announced](#) that the U.S. Department of Labor will reinstate the issuance of opinion letters. This move will allow the Department of Labor's Wage and Hour Division to once again use opinion letters as a way to provide direction to covered employers and employees. According to the Department of Labor's news release, "[a]n opinion letter is an official, written opinion by the Wage and Hour Division of how a particular law applies in specific circumstances presented by an employer, employee or other entity requesting the opinion." The opinion letters were the Wage and Hour Division's practice for more than 70 years until 2010, when general guidance replaced the issuance of such letters. Secretary Acosta said that "[r]einstituting opinion letters will benefit employees and employers as they provide a means by which both can develop a clearer understanding of the Fair Labor Standards Act and other statutes." He further added that "[t]he U.S. Department of Labor is committed to helping employers and employees clearly understand their labor responsibilities so employers can concentrate on doing what they do best: growing their businesses and creating jobs." In order to assist the public, the Wage and Hour Division has created a [webpage](#) that provides access to existing agency guidance that might already address employees' and employers' questions and a mechanism for submitting a request for an opinion letter. The ultimate decision on whether to issue an opinion letter on a certain topic and what the appropriate form of guidance will be lies with the division. This move will benefit employers and provide some peace of mind, as such opinions will shine further light on providing compliance assistance on how various employment laws, including the Fair Labor Standards Act, apply to employment circumstances, thereby limiting the employer's potential exposure or allowing the employer to avoid liability.

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