

PUBLICATION

Stop Kiddin' Around: WHD Expanding FLSA Initiative in Louisiana Child Care Industry

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The U.S. Department of Labor's Wage and Hour Division (WHD) is expanding its multi-year Fair Labor Standards Act (FLSA) enforcement initiative in Louisiana's child care industry from northern Louisiana to the southwestern and south central regions of the state.

WHD is collaborating with a state licensing agency, industry education and training providers, and employer associations in Louisiana to promote awareness and compliance with federal labor laws, the DOL said. Investigations conducted by the WHD in the New Orleans area in 2011 and 2012 reportedly uncovered significant violations of the FLSA's minimum wage, overtime and recordkeeping provisions among area child care service providers and resulted in the recovery of more than \$300,000 in back wages for nearly 2,000 employees, according to the DOL.

The DOL said that, where appropriate, the WHD is sharing its investigative findings with Louisiana's Department of Child and Family Services. The WHD also is reaching out to organizations that train child care providers and help develop new child care facilities to provide them with compliance assistance.

Common violations uncovered during previous investigations include failing to pay staff members for the time they spend at mandatory training courses, improperly classifying FLSA-covered employees as volunteers or as exempt from receiving overtime compensation, making illegal deductions from employees' wages that cause employees' earnings to fall below the federal minimum wage, paying straight time instead of time and one-half for hours worked beyond 40 in a week and failing to maintain required records.

The WHD is conducting similar enforcement initiatives in Arkansas and Texas.

If you have questions about this WHD initiative, please contact any of our more than 70 Labor & Employment attorneys located in Birmingham, Alabama; Atlanta, Georgia; Baton Rouge, Mandeville and New Orleans, Louisiana; Jackson, Mississippi; Chattanooga, Johnson City, Knoxville, Memphis and Nashville, Tennessee; and Houston, Texas.