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# Fair Labor Standards Act (FLSA) & The Continuous Workday

What is the Continuous Workday Rule?

## Fair Labor Standards Act (FLSA) & The Continuous Workday



Off Duty doesn't count as work!

• Neither does a bona fide meal break



Normal Commuting
Time

To/From Home for Work-Not compensable



Worksite to Worksite Time

• Principal activity travel: worksitescompensable Where we work, When we work, How we work

## Department of Labor-Wage & Hour Division On the Lookout: Employers or Employees?

Opinion Letter: December 31, 2020 (FLSA 2020-19)

Scenarios:

Persuasive, not Binding

Fact specific

Department of Labor-Wage & Hour Division On the Lookout: Employers or Employees?

WFH to Appointment (personal) to Office to Home

Department of Labor-Wage & Hour Division On the Lookout: Employers or Employees?

Employer chooses

### Pay Attention - RISKS!

**Unpaid Overtime** 

**Collective Actions** 

Moving, but I can still work remotely!

Some Clarity? How do I avoid the muddy waters?!?!

#### Specific and adopted WFH policies





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