

# Wage & Hour Insights

Guidance & Solutions for Employers



## Why is Wage & Hour Law Different from Other Employment Laws?

By [Mike Warner](#) on June 02, 2011



Despite the tremendous amount of federal and state law governing the employment relationship, a business that follows the following core values can avoid significant liability under most labor and employment laws:

- Follow the golden rule
- Don't make employment decisions for reasons that are not related to the employee's ability to do the job such as race, age, disability or sex
- Employees have a right to band together to demand better treatment and higher wages from their employer
- Provide a safe working environment

### **But Wage and Hour Law is Different!**

Unlike most employment laws, which give employers and employees a fair amount of flexibility to come up with mutually beneficial and fair employment relationships, the FLSA and state wage and hour laws set out a strict rules which usually cannot be altered even if doing so would be best for both the employer and employee.

Wage and hour rules also cannot routinely be predicted by appeals to common sense. They can only be learned by careful study of applicable regulations. Even then, the most thorough analysis may still not lead to a clear answer. Moreover, for the most part, the rules remain relics of a bygone era and have not kept pace with the modern workplace.

Even the most responsible employers find it difficult, if not impossible, to strictly comply with the often byzantine requirements of the FLSA and state wage and hour laws. Plaintiffs' attorneys have figured

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this out, which is why wage and hour class and collective action litigation has exploded in recent years. Federal and state regulators have also approached wage and hour enforcement with renewed vigor. This is why wage and hour law is the biggest growth area of our practice and of virtually every other employment lawyer. This is why we started this blog.

While there are plenty of resources for finding the latest wage and hour class or collective action decision or DOL enforcement initiative, our goal is to do our best to help employers cut through the clutter and bring some degree common sense and rationality to this inherently frustrating and increasingly important area of law. While we make no guarantee that we will fully succeed in our goal, we hope to at least spark some debate and share our insights.

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