



News & Types: Employment, Labor & Benefits Update

Could These Wage and Hour Issues Affect Your Workplace?

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The U.S. Department of Labor ("DOL") continues to use opinion letters to answer practical questions about applying the Fair Labor Standards Act ("FLSA") to everyday workplace situations. On May 29, 2026, the DOL issued four new opinion letters addressing topics ranging from exempt employee classifications and bonus calculations to timekeeping practices and meal periods. Although these letters do not change the law, they provide valuable insight into how the DOL is likely to evaluate these issues during an investigation.

The opinion letters address several common wage-and-hour issues under the FLSA. They discuss when salaried exempt employees may perform additional non-exempt work for separate hourly compensation without losing their exempt status and when quarterly bonus programs based on a percentage of employees' total earnings satisfy the FLSA's overtime requirements without requiring additional overtime calculations. They also address whether travel time associated with an employee's decision to leave a secured worksite during an unpaid meal period is compensable and how employers should evaluate pre-shift work, rounding practices, and the de minimis doctrine.

Not every opinion letter will apply to every employer. However, organizations with bonus programs, exempt employees performing multiple roles, or unique timekeeping or meal break practices should consider whether these interpretations affect their current policies. A targeted review now may help avoid wage-and-hour issues before they become costly claims.

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