



Winter weather and the workplace

Navigating the FLSA and employee pay



Is the business open or closed?

Yes! We're **OPEN**

Sorry! We're **CLOSED**

Does employee report to work?

Is employee exempt or non-exempt?

Yes

No

Exempt

Non-exempt

Is employee exempt or non-exempt?

Is employee exempt or non-exempt?

Must pay if business is closed for less than a full work week.

Not required to pay.

Non-exempt

Exempt

Non-exempt

Must pay for hours worked.

Must pay if they work any part of day including telework.

Not required to pay.

If non-exempt employees show up and are asked to stay until the situation is assessed, they **must be paid**, even if there is nothing for them to do.



The Wage and Hour Division of the Department of Labor issued more than **20,215** compliance actions in FY 2023.

