

PUBLICATION

DOL Still Enforces Backpay for Time Worked by Undocumented Workers

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As expected, the U.S. Department of Labor's Wage and Hour Division has issued an announcement that, despite the U.S. Supreme Court's recent Hoffman decision, it will continue to enforce laws requiring the payment of wages for hours worked even by undocumented workers.

The Wage and Hour Division has determined that Hoffman only limits backpay remedies for time not actually worked, and DOL has not yet decided how to apply Hoffman to penalties it imposes for time not worked (such as for retaliatory violations).