

New York Partner Discusses Wage & Hour Considerations During Heatwave

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In an interview with *Law360*, **Seth Kaufman** and other management-side attorneys discuss ways employers can mitigate heat-related risks and stay on the right side of workplace regulators. For his part, Seth explains the wage and hour considerations associated with things like “cool-off breaks.” He notes that the general rule for employers is that employees should remain on the clock for breaks lasting less than 20 minutes, and in the case of heat-related downtime, that means treating a worker’s cool-off period the same as a similar break taken under different circumstances. And he stresses how important it is for employers to set clear break expectations and communicate those expectations to all employees. He warns, “if an employee takes a longer break and expects that it’s all going to be paid, but the employer wants him to clock out at a certain point...that lack of communication or that misunderstanding can result in not just...legal issues, but friction and employee relations issues.”

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