



# SCWA Legislative Update

July 25, 2022



## DOL Recovers \$410K for Nearly 600 Workers Based on FLSA Violations

The U.S. Department of Labor's ("DOL's") Wage and Hour Division ("WHD") has separately announced its recovery of \$410,023 in back wages and liquidated damages for 598 workers in **California, Florida, Texas, Hawaii, and Alabama**, for violations of the Fair Labor Standards Act ("FLSA" or "Act").

Among other things, the violations related to not paying overtime and failing to include non-discretionary production bonuses into the regular rate of pay when computing overtime rates for workers who worked more than 40 hours in a workweek.

SCWA has a long history of ensuring that employers are compliant with federal and state wage and hour requirements. If employers have any questions or concerns about their pay practices, we recommend they contact us to ensure compliance. As an SCWA member benefit we have a nationally recognized labor attorney who can provide telephone consultation to our members at no charge.



## Ensuring Your Employment Application Is Lawful

The days of the "one size fits all" employment application have come to an end. As federal, state, and local governments increasingly heighten employer hiring process requirements, national employers must be diligent to avoid getting tripped up by the varying rules across different locations.

Specifically, two areas, based on state law, may expose employers to liability if asked about on employment applications: "ban the box" laws and salary/compensation history bans. Again, as an SCWA member benefit we have a nationally recognized labor attorney who can provide telephone consultation to our members at no charge.



## Deadline to Apply for EIDL Loans Due to Texas Drought Nears

The U.S. Small Business Administration (SBA) has sent out a reminder that the deadline to apply for Economic Injury Disaster Loans for **small non-farm businesses** in eight Texas counties is approaching. Director Tanya N. Garfield of the SBA's Disaster Field Operations Center-West Texas reminded **small non-farm businesses** of the August deadline dates

to apply for an SBA federal disaster loan for economic injury. The low-interest loans were offered to offset economic losses from reduced revenues caused by drought.

The deadline for primary counties Fisher, Jones and Scurry is August 15, and is the same deadline for neighboring counties Borden, Callahan, Garza, Haskell, Kent, Mitchell, Nolan, Shackelford, Stonewall and Taylor.

The deadline for primary counties Camp, Franklin, Hopkins, Knox, Titus, Upshur and Wood is August 22, and is the same deadline for neighboring counties Baylor, Delta, Foard, Gregg, Harrison, Haskell, Hunt, King, Marion, Morris, Rains, Red River, Smith, Stonewall, Throckmorton and Van Zandt.

The interest rate for the loans is as low as 2.83% for businesses and 1.875% for private non-profit organizations. The terms are up to 30 years, with the actual loan amounts and terms to be set by the SBA who base them on each applicant's financial condition.

Director Garfield has stated that small non-farm businesses, small agricultural cooperatives, small businesses engaged in aquaculture and most private non-profit organizations of any size can apply for [Economic Injury Disaster Loans](#) of up to \$2 million. The loans are to help such businesses meet working capital needs caused by the disasters.

“Economic Injury Disaster Loans may be used to pay fixed debts, payroll, accounts payable and other bills that cannot be paid because of the disaster's impact,” said Director Garfield.

“SBA eligibility covers both the economic impacts on businesses dependent on farmers and ranchers that have suffered agricultural production losses caused by the disasters and businesses directly impacted by the disasters. Economic injury assistance is available regardless of whether the applicant suffered any property damage.”

Texas has suffered many droughts over the years and has a specialized Drought Monitor service which updates every week to show the drought conditions across the Lone Star State.



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