



News & Types: Employment, Labor & Benefits Update

Keep Calm and Stay HR Compliant: Key Takeaways from the DOL's January 5, 2026, Opinion Letters

3/19/2026

By: Naureen Amjad, James Jansen

Practices: Employment, Labor & Benefits

On January 5, 2026, the U.S. Department of Labor (“DOL”) issued six opinion letters clarifying how existing federal wage-and-hour and leave laws apply to everyday workplace scenarios. While these letters do not create new law, they reflect the DOL’s official enforcement position and can be relied on as evidence of good-faith compliance.

Several letters focus on overtime compliance under the Fair Labor Standards Act (“FLSA”), including when re-classifying an employee from salaried to hourly pay can eliminate exempt status, when performance-based bonuses must be included in overtime calculations, and when required pre-shift activities count as paid time. Another opinion addresses a narrow commission-based overtime exemption for retail and service employers, clarifying how federal minimum wage thresholds and tip credits factor into that analysis. Importantly, while some guidance may reduce federal exposure in limited circumstances, state wage laws often continue to apply.

The DOL also addressed common Family and Medical Leave Act (“FMLA”) issues, including how leave is counted during partial or full-week shutdowns, such as weather closures, and whether employees may use FMLA leave for travel time to medical appointments. These clarifications are especially relevant for employers managing intermittent or reduced-schedule leave.

The bottom line is that small implementation decisions, like how bonuses are structured, how time is tracked, or how leave is counted, can significantly affect compliance risk. If any of these issues impact your operations, a quick review now can prevent larger more serious problems later.

Follow us on LinkedIn for additional Legal Updates.



Masuda Funai is a full-service law firm with offices in [Chicago](#), [Detroit](#), [Los Angeles](#), and [Schaumburg](#).

