

In The News

Akerman Partner Jeffrey Kimmel Counsels Ransomware Preparation in *Law360*

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Wage and Hour Practice Co-Chair Jeffrey Kimmel was quoted in a *Law360* article discussing ways to deal with payroll ransomware attacks. The ransomware attack on workforce management company Kronos and the resulting flood of unpaid overtime litigation pose a challenge for employers in dealing with future payroll upheavals, attorneys said, from pivoting quickly to manual timekeeping to setting up a backup system. Kimmel said he would advise employers to update the payroll section of their employee manuals to take these potential crises into account.

“The Fair Labor Standards Act doesn’t have a requirement that payroll be weekly, biweekly, monthly, but most states do or municipalities,” he said. “On the federal level, what the law says is that to the extent that you have payroll dates, you have to pay timely minimum wage and overtime. To the extent that they’re in a state that doesn’t otherwise mandate how frequently payroll should be paid, in that section they should include a caveat that those are the payroll dates except under exceptional circumstances ... out of their control,” Kimmel said. “In which case, payroll will be made... as soon as practical.”

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