

Do You Know Where Your Payments Are Going? Uncle SAM Has Been Hacked!

By [Michael Stover](#)

To do business with the federal government you must register with the General Services Administration's (GSA) System for Award Management (SAM). When you register with SAM you must provide the government with certain identifying information including your DUNS number, business name, address, D&B record and taxpayer ID number.

In addition, you must also provide SAM with your bank account and routing information to set up electronic funds transfers. On April 27, 2018, SAM advised that it was cooperating with an investigation being conducted by the GSA's Office of the Inspector General. SAM has learned that a third party has obtained access to the SAM system and has changed the account information for what the GSA believes is a "limited" number of users.

With the change of account information, payments from the federal government can be rerouted from the legitimate business's bank account to the third party's bank account. In response to this breach, SAM is now requiring submission of an original, signed and notarized letter identifying the authorized entity administrator for the entity associated with the DUNS number of the business. This requirement went into effect on March 22, 2018 for new entities registering in SAM and on April 27, 2018 for existing registrations being updated or renewed.

If you are a member of SAM, you should check your registration information to confirm that your account information has not been altered and you should submit your notarized letter to designate the authorized administrator for your business so that no changes to your account information can be made in the future unless they are initiated by the authorized administrator.



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Appeals Court Says Allowing An Employee To Work While On FMLA Leave Can Be Lawful

By [Paul Evelius](#)

A federal appeals court has ruled that an employer did not violate the Family and Medical Leave Act (the "FMLA") by offering an employee the opportunity to work remotely while on leave. In *D'Onofrio v. Vacation Publications*, the employee, a sales representative for a vacation-cruise company, requested FMLA leave to care for her husband. The company approved her request and gave her the option of either taking unpaid leave or continuing to service her existing accounts while on leave in order to earn commissions. The employee chose the latter option, but later claimed that the company had unlawfully interfered with her leave.

Rejecting that argument, the court stated that "giving the option to work while on leave does not constitute interference with FMLA rights so long as working while on leave is not a condition of continued employment."

In the court's view, the employee's admission that she chose to continue servicing existing accounts after being given the options meant that no unlawful interference had occurred.

While the *D'Onofrio* decision indicates that there are circumstances where allowing an employee to work while on FMLA leave is not unlawful, those scenarios are an exception and employers should be extremely cautious about permitting such work. Further, an employer should not allow such work without stressing to the employee, in a documented discussion, that the work is purely voluntary and obtaining the employee's signed acknowledgement of that fact.

Do I Owe My Employees Accrued Vacation at Termination?

By [Laura Rubenstein](#)

One of the most common questions employers ask me is – What do I owe my employees in their final paycheck? Employees must be paid for all hours worked, including any overtime pay and earned commissions. But what about accrued vacation or other paid time off (PTO)? Maryland law states that a company's written policy communicated to employees at the outset of their employment governs whether vacation or other PTO must be paid to the employee at termination. The passing of the Maryland Healthy Working Families Act ("MHWFA") in January 2018, makes this question even more complicated.

Having a carefully crafted handbook policy is important if a company wants to withhold accrued PTO from an employee who was justifiably terminated, e.g., engaged in harassing conduct of a co-worker. Importantly, Maryland law provides that when a company's policy is silent or nonexistent, it defaults to the rule that the company owes the money for the accrued vacation or PTO.

Now is a great time to check your Employee Handbooks to know what your company policy says and to consider whether you should change it based on your company's philosophy, the MHWFA, or a recent situation that left you paying out more than expected.



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