

Are your employee exempt and non-exempt classifications current and compliant?

As the Department of Labor increases its efforts to enforce the Fair Labor Standards Act (FLSA) and wage and hour claims become more prevalent, reviewing your employee classifications is extremely important.

Misclassifications under the FLSA can cost you in regular back wages, overtime back wages and penalties, all of which can add up to a significant sum of money.

What is the Fair Labor Standards Act?

FLSA offers protection to employees by guaranteeing a minimum wage, time-and-a-half pay for overtime, and limiting the employment of minors.

It applies to all employees unless the employer can claim an exemption from coverage.

We can help you determine the correct exempt and non-exempt classifications. As part of our services we will:

- Review your job descriptions (if already written) or interview you to document the job's duties.
- Meet with you by phone or in-person to ensure we understand the depth of responsibility related to each position and request any additional information needed to make accurate and thorough recommendations.
- Conduct a salary basis test (how is the employee paid?) and a duties test (what are the employee's responsibilities and how much independent decision-making does h/she have?).
- Recommend exemption classifications and give you direction on when to seek the assistance of an attorney if there is a gray area that needs to be addressed.
- Work with you to effectively communicate with employees when there is a classification change if requested.
- Assist you with a process to document and obtain a liability release from affected employees.

Be prepared if the Department of Labor contacts you. Call us to conduct an analysis of your employee classifications.

