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What's the Liability?

PA Judge Ok's Casino Workers
\$6M Wage Suit Deal


Papa John's Franchisee
Accused of
Shorting Drivers' Pay

DOL Chief Says \$15B Budget Necessary to Up Enforcement

NYC Demands \$150M from
Chipotle Over Worker Schedules

Maggiano's Little Italy Settles Claim
Of Unpaid Pre-Shift Work to the
Tune of \$68,060

Biden Mandates \$15 Minimum Wage for
Federal Contractors



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KNOW THE RULES

Independent Contractors vs. Employee



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Exempt vs Non-Exempt





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Exempt Position

- Salary Basis Test
- Salary Level (\$35,568)
- Duties Test

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Duties Test

The employee's job duties must primarily involve:

- Executive, Administrative, Professional, or Outside Sales duties as defined by the regulations
- Computer Professionals

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Questions

Do we have to pay extra to an exempt employee who works on the weekend?

What about the first and last week of employment?

If an exempt level employee is out of PTO, can we deduct four hours from his/her pay?

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Non-Exempt Position

- Minimum Wage
- Recordkeeping
- Overtime Pay

Report
Track
Pay

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Questions

What if an employee works overtime but he/she didn't get the time pre-approved?

Can I give a non-exempt employee time off instead of paying for overtime worked?

Do I have to factor in commissions to a non-exempt employee's overtime rate?

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Most Common Mistakes Made With Regard to Non-Exempt Employees



- Misclassification
- Not Tracking ALL Time
- Not Paying ALL Time Worked
- Miscalculation of Overtime Pay
- Deducting Below Minimum Wage
- Allowing Off-the-Clock Work
- Not Training Supervisors and Managers Properly

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How are companies getting in trouble with wage & hour regulations?

- Misclassification of Independent Contractors
- Comp Time
- On Call/Training Time/Travel Time Pay
- Technology
- Breaks and Meal Periods
- Working "Off the Clock"

Remote Work

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Your First Line of Defense is Following the Rules!




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Thanks!

Do you have any questions?

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