

# **WAGE AND HOUR BOOT CAMP**

## **April 19, 2006**

### **OVERVIEW:**

Your company discharges an employee who has been a poor performer. Your employer has thoughtfully considered all classes protected from discrimination and determined that the discharge is not unlawful. You are reasonably sure you won't be hearing from EEOC.

Surprise! It's the U.S. Department of Labor who calls, or writes, telling you that a wage and hour complaint has been filed. The employee whom you always paid on salary without overtime now claims to be nonexempt. Or wants to be paid for all the "comp" time described in the company's policies. Or wonders why the paycheck always reflected "straight" time, regardless of the number of hours worked.

Before that day of reckoning arrives, take this opportunity to learn the wage and hour rules that can keep your employer—and you—out of trouble.

This seminar will give you clear guidance for classifying employees as either eligible for overtime or not, and help you establish lawful pay practices. Detailed materials include a copy of the U.S. Department of Labor regulations on white-collar exemptions that became effective August 23, 2004, as well as articles, forms, sample policies and other valuable information on the Fair Labor Standards Act and the Texas Payday Law.

### **WHAT YOU WILL LEARN:**

- I. The Fair Labor Standards Act**
  - A. Introduction**
  - B. Exemptions from Overtime Pay**
    - 1. Salary Level Test**
      - a. Weekly Minimum**
      - b. Highly-Compensated Test**
    - 2. Salary Basis Test**
      - a. Definition**
      - b. Seven Permitted Salary Deductions**
      - c. Overtime Pay for Exempt Employees**
      - c. Safe Harbor for Improper Deductions**
      - d. Practices that Don't Violate the Salary Basis Test**
    - 3. Duties Test**
      - a. Executive Exemption**
      - b. Administrative Exemption**
      - c. Learned Professional Exemption**
      - d. Creative Professional Exemption**
      - e. Outside Sales Exemption**
      - f. Computer Employees Exemption**

**C. Additional Issues**

- 1. Deductions Below Minimum Wage**
- 2. Volunteers and Trainees**
- 3. Salaried Nonexempt Employees**
- 4. Public Sector Rules**
- 5. Employees Who Perform Two Jobs**
- 6. Compensable Time**
- 7. Non-Compensable Time**
- 8. Travel**
- 9. Inclement Weather**
- 10. Bonuses**
- 11. Child Labor**

**II. Texas Payday Law**

- A. Wage Payment Rules**
- B. Impermissible Pay Deductions**

**THE PRESENTER:**

**Judy Osborn** – skilled attorney and dynamic communicator, whose passion is preventing legal problems in the workplace. In private practice since 1981, Judy focuses solely on compliance with employment laws. Through consultation and training, she helps employers manage employees legally and effectively and prevent workplace disputes. With a master’s degree in journalism, Judy worked in communications for eight years before becoming an attorney. Those skills reinforce her ability to present legal complexities in language understandable to her clients and audiences.