

Quiz

1. Employees who are paid a salary are exempt from overtime.
a. True b. False

2. If you hire a financial planner to work in your firm, he/she would be exempt from overtime.
a. True b. False c. Depends (on what?)

3. If you don't want to handle payroll taxes you can make all your employees contractors.
a. True b. False

4. You hire an independent contractor who has just started her business, and you are her first (and only) client. Should you be concerned about this?
a. Yes. If I am the only client, she could be viewed as an employee (she) working for an employer (me).
b. No, as long as she has represented herself as a business owner, and we have all the appropriate & required documents, information and outline of work.

5. If I want a complete job description for the paraplanner position in my firm, I only need to copy some other firms' job description.
a. True b. False

6. The better Performance Evaluation Document should be very long and very detailed.
a. True b. False

7. If an employee comes to you to complain about a client who is harassing him (the employee), you don't have to investigate and resolve it.
a. True b. False

8. Federal Laws and regulations supersede all state and local laws regarding employment.
a. True b. False

Exempt or Non-Exempt – Examples

Example # 1 Paraplanner For Firm PQRS

Four year college degree in Finance. Currently taking courses for CFP® designation.

Spent 10 years in investment and financial planning firms.

- Worked 5 years as client service and administrative assistant
- Has been paraplanner for last 5 years. Meets with planner or gives planner information to review at various points in the financial planning process.

Can review client documents on own and determines what information is missing (based on learning over the years). Notifies planner on what is missing. Answer clients' questions about the information only and why it is being used. Follows the practice's established procedures and processes.

Input numbers into planning software and determine accuracy. Gives input and calculation results to planner for review. Meets with planner to review the plan and discuss strategies.

Planner decides strategies to use and paraplanner then researches the strategies and process to implement. Update planner if there are issues and receive further guidance.

Has Series 7 license and can perform trades.

Breakdown of primary duties:

- Financial Planning/development of financial plan – 50% of work
- Respond to client requests or inquiries – determines how to address the client issues and does so on own for operational issues. Complex issues involve discussion with planner first and then complete. Researches best way to transfer or send money; brings information to planner and received planner approval. 20% of work.
- General administrative office work – complete forms and applications, follow-up on processed business, assist in rescheduling client appointments, run reports, prepare for meetings – paperwork, etc. 20% of time
- Complete trades and transfers per planner's specific instructions; confirm that trades are processed properly. 10% of time

Exempt or Non-Exempt – Examples

Example # 1 Paraplanner For Firm PQRS

| Financial Services Industry Employee Exemption | Yes and List % of time | No |
|--|--|----------|
| Paraplanner at PQRS | | |
| Does the principal, main, major, or most important dut(ies) performed involve work such as: | | |
| Collecting and analyzing information regarding the customer's income, assets, investments or debts | X | |
| Determining which financial products best meet the customer's needs and financial circumstances? | X – But planner directly supervises | |
| Advising the customer regarding the advantages and disadvantages of different financial products? <i>(In applying the exemption, it does not matter whether the employee's activities are aimed at an end user or an intermediary. The status of financial services employees is based on the duties they perform, not on the identity of the customer they serve. – US DOL Fact Sheet #17-M)</i> | X – But planner directly supervises | |
| Marketing, servicing or promoting the employer's financial products? | | X |
| AND | | |
| Does the employee consistently exercise discretion and independent judgment when using advanced knowledge and skills? | | X |

Paraplanner position at PQRS would be non-exempt

Exempt or Non-Exempt – Examples

Example # 2 Paraplanner For Firm KLMN

Two year Associates Degree in Accounting. Spent 15 years in investment and financial planning firms.

- Worked as client administrative assistant for 4 years.
- Worked as marketing assistant for 2 years.
- Portfolio Assistant for 4 years – assisting Portfolio Investment Specialist by following established guidelines and instructions from the Specialist in running search functions, reports, etc. that Specialist reviewed and used in making decisions. Learned to eventually make some independent decisions based on established Investment Specialist guidelines.
- Has been paraplanner for last 5 years. Worked under direct guidance and instruction from planner – moving from intense direction and review to subsequently less and less review and direct guidance.

Paraplanner now has independence to:

- Review client documents, determine missing information and contact clients directly for missing information. Answer questions about the information only and why it is being used.
- Input numbers into planning software and determine accuracy. Interpret results and decide what advice planner would most likely recommend based on their relationship over the past years. Consult planner notes for more information. Has initiative to explore other strategies that paraplanner has learned about through online resources, conferences, etc.
- Research practicality of potential strategies, find out if strategies can be implemented for client, find out process to implement strategies. Receives overall guidance from planner at different points in the work process.

Has Series 7 license and can perform trades.

Breakdown of primary duties:

- Financial Planning/development of financial plan – 50% of work
- Respond to client requests or inquiries – determines how to address the client issues and does so on own. Updates planner after completion except when needing to transfer or send money. Researches best way to transfer or send money; brings information to planner and received planner approval. 20% of work.

- General administrative office work – complete forms and applications, follow-up on processed business, assist in rescheduling client appointments, run reports, prepare for meetings – paperwork, etc. 20% of time
- Complete trades and transfers per planner's specific instructions; confirm that trades are processed properly. 10% of time

| Financial Services Industry Employee Exemption | Yes and List % of time | No |
|--|-------------------------------|-----------|
| Paraplanner at KLMN | | |
| Does the principal, main, major, or most important dut(ies) performed involve work such as: | | |
| Collecting and analyzing information regarding the customer's income, assets, investments or debts | X | |
| Determining which financial products best meet the customer's needs and financial circumstances? | X | |
| Advising the customer regarding the advantages and disadvantages of different financial products? <i>(In applying the exemption, it does not matter whether the employee's activities are aimed at an end user or an intermediary. The status of financial services employees is based on the duties they perform, not on the identity of the customer they serve. – US DOL Fact Sheet #17-M)</i> | X | |
| Marketing, servicing or promoting the employer's financial products? | | X |
| AND | | |
| Does the employee consistently exercise discretion and independent judgment when using advanced knowledge and skills? | X | |

Paraplanner position at KLMN would be exempt

Sample – “ Independent or Employee ?” Checklist

[Date]

[Company name] **CONFIDENTIAL**

| Identifying Factors | Contractor | Employee |
|--|-------------------------------------|-------------------------------------|
| Control factors: | | |
| Employer provides training to worker | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Worker works on-site | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Worker works off-site | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Company supervises worker's job | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Worker has regular work hours | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Worker has irregular work hours | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Employer sets work hours | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Financial factors: | | |
| Worker is salaried | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Employer sets hourly rate | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Employer provides tools/equipment to worker | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Worker invests in tools/equipment for use in job | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Worker receives benefits from employer | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Worker has ability to have profit or loss from job | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Worker pays own expenses | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Relationship factors: | | |
| Worker and employer have contract for services or products | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Worker can hire others to complete a task | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Worker and employer have long-term work relationship | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Work relationship relates only to contract work | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Worker performs similar projects for other companies | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Worker works only for company | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

How to Develop a Job Description

A Job Description is a useful, plain-language tool that describes the tasks, duties, functions and responsibilities of a position. It outlines the details of who performs the specific type of work, how that work is to be completed and the frequency and the purpose of the work as it relates to the company's mission and goals. Job descriptions are used for a variety of reasons, such as a tool for recruiting, determining compensation levels, conducting performance reviews, clarifying missions, establishing discretion and independent judgment, outlining management or decision-making authority, career planning and legal requirements for compliance purposes. A good job description gives an employee a very clear and concise resource to be used as a guide for job performance. Likewise, a supervisor can use a job description as a measuring tool to ensure that the employee is meeting job expectations.

Step 1: Perform a Job Analysis

This process of gathering, examining and interpreting data about the job's tasks will supply accurate information about so that a company can perform efficiently.

- Interview employees to find out exactly what tasks are being performed. You can use face to face meetings, questionnaires and worksheets to gather this information.
- Observe how tasks are performed.
- Identify what tasks are currently not being completed by anyone in the firm.
- Collect data on the job's tasks from other resources - including templates or examples from other firms or organizations. Excellent idea but remember to adjust for your particular situation.
- The preliminary drafts should be reviewed by employees (who would be completing the tasks, competing training for these tasks or involved in the overall process) and supervisors.

Step 2: Define Work and Standards

Can be listed in different formats – within categories of general functions – for example – service, analysis, production, quality control, compliance, general office, administrative, research.

List task, project or responsibility

Standards – could include

- What is done by employee and how – Listing out the guidelines or referring to established procedures. This can vary according to the amount of discretion, authority allowed the person and the type of work to be performed.
- When (how often) is this done; Under what circumstances (if needed), and/or Where to perform the work
- What are considered successful results or completion of work

- % of Time Spent, Approximate time to complete and Deadlines for completion
- Priority (low, medium or high – relative to other tasks, projects or responsibilities)

Step 3: Assign Priorities for the Tasks – What are Essential Duties versus Marginal Ones?

For each task (or group of tasks) determine:

- **Essential Duties** – these are duties that ARE the position and can not be assigned to another employee without changing the purpose of the position and affecting the effectiveness of the firm and its operations.
- **Marginal Duties** – these are duties are part of the job but could be reassigned to another employee or may have more than one employee completing these duties.
- For each duty or group of duties: Assign a priority for completion relative to other duties.

Step 4: Determine the necessary qualities needed in the employee who would be successful in this position

- Knowledge: Comprehension of a body of information acquired by experience or study; education experience, designations, etc.
- Skills: a present, observable competence to perform a learned activity – for examples: communication (oral and writing), mathematics, prioritization, organization, attention to detail, critical thinking, technology skills, etc.
- Abilities: competence to perform an observable behavior or a behavior that results in an observable product – such as initiative, able to act in emergencies and tight deadlines with level-headedness, management, troubleshooting, innovation, etc.
- Emotional Intelligence: behavior, motivation, values, attitudes

Step 5: Organize the data concisely

The structure of the job description may vary from firm to firm; however, all of the job descriptions within a firm/company should be standardized so that they have the same appearance. The following should be included:

- Date—when job description was written.
- Job status—exempt or nonexempt under FLSA, full time or part time.
- Position title—name of the position.
- Objective of the position—what the position is supposed to accomplish, how it affects other positions and the organization.

- Supervision received—to whom the person reports.
- Supervisory responsibilities—direct reports, if any, and the level of supervision.
- Job summary—an outline of job responsibilities.
- Essential functions—detailed tasks, duties and responsibilities.
- Competency or position requirements—knowledge, skills and abilities.
- Quality and quantity standards—minimum levels required to meet the job requirements.
- Education and experience—required levels.
- Time spent performing tasks—percentages, if used, should be distributed to equal 100%.
- Physical factors— type of environment associated with job: indoor/outdoor.
- Working conditions—shifts, overtime requirements as needed.
- Unplanned activities—other duties as assigned.

Step 6: Add the Disclaimer

It is a good idea to add a statement that indicates that the job description/duties is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee.

Step 7: Add the Signature Line

Showing approval by level(s) of management and supervisor(s) as well as receipt by employee stating he/she received a copy, understands requirements and can contact supervisor if he/she has quest

Performance Reviews – regardless of how your evaluation is constructed or how your rank employee's performance, you and the employee evaluated should be able to formulate answers to the following:

1. In what specific areas have you (employee name) excelled over past 3 months?
2. In what specific areas do you (employee name) feel you need improvement?

| Steps or Goals to help Employee Improve | Resources and Time-Frame for Implementation |
|---|---|
| | |
| | |

3. What Goals, Knowledge or Tasks would (you need) or (employee name need) to learn for the next evaluation period?

| Goals | Resources and Time-Frame for Implementation |
|-----------|---|
| | |
| | |
| Knowledge | Resources and Time-Frame for Implementation |
| | |
| | |
| Tasks | Resources and Time-Frame for Implementation |
| | |
| | |

4. How can the practice and others help you achieve the goals, knowledge and tasks outlined above?

| Goals | Who/What would help? |
|-----------|----------------------|
| | |
| | |
| Knowledge | Who/What would help? |
| | |
| | |
| Tasks | Who/What would help? |
| | |
| | |

Sample Employee File Content

Listed below are general guidelines on how to organize and secure employee and employee's family information. Over the course of hiring and bringing on an employee, employers have to maintain records. This gives a general outline. This is not intended as legal advice and you should consult your local and state laws.

There are some guidelines for separating information in folders for each employee or by project or benefit.

Official Employee Personnel File/Folder – Should be in secured, locked cabinet

Organize for each employee

Can Be Viewed By: HR Manager (or partner or owner who manages HR); supervisors (as needed) and employees (to view only their file). **Consult state law for how to handle an employee's request to see their file.**

- Employment application and/or resume
- Job offer letter
- Emergency contact information
- Special licenses and certifications.
- Orientation checklist.
- Equipment and property check-out forms.
- Receipts for handbook and other policies. These are signed copies where employee has acknowledged receipt of documents.
- Training records.
- Performance appraisals. These are the final documents signed by employer, supervisor and employee. Also any verbal or written warnings along with supporting documentation (signed and reviewed). Verbal warning documentation could be a written document sent to employee summarizing the conversation.
- Compensation history – listing changes and documentation for reasons.
- Job status change forms and related information.
- Disciplinary records – official, documented and signed
- Commendations, awards and other evidence of specific accomplishments.
- Employee separation – resignation letter, termination documentation, exit interviews, separation checklists.

Files -- Accessed by HR manager (partner or owner who manages HR) – This is a designated management/executive person who accesses the information and determines what information could or should be shared with other individuals and agencies - as needed.

These files need to be secured in a locked cabinet separate from employee personnel files. Only the designated person should have the key or access to this cabinet.

Files/Folders For Each Employee – BUT not viewed by employee

Pre-Employment and Employed Folder:

- Results of background checks – make sure that personal identification information such as birthdate, social security number, license or other identification numbers are masked (or blocked) out on your copies.
- Employment references
- Any testing, exercises or assessments for the employee. A Summary or checklist used to determine that this candidate was most qualified for the position.
- Copies of job advertisements used or job orders submitted to temporary or recruitment firms.
- Any notes and documents related to employee investigation – client, supervisor or co-worker reports.

Medical and Medically-Related Benefit Forms Folder: Medical files carry special rules of their own. The ADA states that information from medical exams is confidential and must be maintained separately. Access is limited. Supervisors and managers, for example, may be informed of necessary restrictions on work, and first aid and safety personnel may also need to be appropriately informed. Similarly, the FMLA requires that employees' medical records, and those of their family members, be kept in separate, secure locations.

- Employee applications for any medical benefits --- medical insurance, long and short disability insurance, life insurance, HSA's, Flexible Spending Accounts – as it covers medical expenses.
- Results of any physicals, drug and alcohol testing.
- COBRA info
- Any employee or employee – family medical information relating to applying for benefits, applying for leave to care for someone.
- Any fitness to return to work, physician statements for staying away or returning to work, any updates on employee's or employee's family medical conditions.
- Any documentation on past or present medical conditions or disabilities on employees and their family members.
- Medical history questionnaires.
- Medical evaluations and related documents.
- Notes from doctors.
- Requests for Family and Medical Leave Act (FMLA) leave and related documents.
- Requests for Americans with Disabilities Act (ADA) accommodations and related documents.
- Workers' compensation history, claims and related documents.
- Any documents about past or present health, medical condition, or disabilities

Non-Medical or Non-Medically Related Benefits Folder:

- This would be for enrollment in retirement plans or other non-medically related benefits.

Other Folders: Organized by project or function – not for each employee necessarily.

Again these folders are only accessible by the HR manager or designated management/executive person responsible for securing the information and is the only person who can access this information.

Payroll information:

- Copies or originals of all employee tax withholding paperwork – for federal, state and local taxes.
- Timesheets or timecards for hours worked completed by employee
- Records of hours worked, time off taken, per period payroll totals and itemized deductions – which can be the reports given to employer by payroll agency. Any garnishment orders.

For Each Hire or Recruitment Job

- Any employment applications, testing, background checks and assessments on candidates not chosen.
- Any notes or comments about candidates or new employee that is not verifiable or substantiated – these should be shredded and destroyed.

I-9 Folder:

- This should contain the completed I-9 forms or copies for each employee.
- All employees should have the I-9 forms in the same folder.

Basics of Investigations

Process and Plan for Timely Investigations.

Policy and Procedure – Communication

- Communicate the policy and process for investigations
 - All members of the firm (owners, management, employees) and independent contractors should be aware of the policies. Explaining these policies in meetings and having them in manuals gives the firm the opportunity to promote its culture and professionalism.
 - Some policies you would want to consider:
 - An “open door” communications policy (why the firm has this, how to talk to management, how the firm approaches the resolution of the issues). Informally at staff and one-on-one meetings, always remind employees to come forward to management and owners.
 - Equal Opportunity Employment
 - How the firm addresses ADA – Americans with Disabilities Act
 - Harassment and Sexual Harassment
 - Safety in Workplace

Responsiveness

- When you receive a complaint or think there are issue(s) affecting the team, you should review issues with your attorney. Approach these situations with the possibility of leading to a court case.
- Conduct a prompt and effective investigative process. Communicate to the person initiating the complaint, what the process will be.

Confidentiality

- It should be communicated that to the extent possible, the firm will work to maintain confidentiality.
- Everyone involved in the investigation should be aware that confidentiality may not be maintained, but that information would be disclosed as needed and not inappropriately.
- People that may be interviewed as part of the investigation should be informed about keeping confidentiality and avoiding inappropriate discussions

Interim Actions and Protection during Investigation

It may be necessary to separate the alleged victim (and/or accuser – if not the same person) from the accused. This is where you should consult your experts – attorney and human resource experts – on what actions should be taken. Some of the actions could include – transfer to different departments or reporting protocols; temporary (paid or unpaid) leave. Employer and the accuser (and/or alleged victim) should reach an amenable solution to both sides so that reassignments are not interpreted as retaliatory. Communications and actions taken should be documented.

Select Investigator

Some of the items, you should consider in selecting an investigator:

- Unbiased view – ability and skills to investigate objectively.

- No personal relationship with the affected parties or personal stake in the resolution of the investigation.
- Prior investigative experience and familiarity with employment laws (federal, state and local).
- Ability to build rapport with the affected parties and others in order to gather as much information as possible.
- Have the ability to be a credible witness, maintain confidentiality, have the right temperament and attention to details.

Where to Find the Investigator:

- Within the company – Human Resource Manager, or a Partner (who can be unbiased and is not affected by any outcome)
- Outside the Company – Attorney (must disclose the company – attorney relationship), former senior level employees, human resource consultants – are some examples.

Create a Plan for Investigation – Content of Questions, Who is Interviewed

You need to outline an approximate schedule for who will be interviewed and when.

Questions should be constructed that are open-ended, and not leading the interviewee to an answer.

The US EEOC (Equal Employment Opportunity Commission) has sample questions (for the accused, accuser and witnesses): <http://www.eeoc.gov/policy/docs/harassment.html>.¹

Conduct Interviews – includes Credibility determinations

The interviewer(s) need to be able to take accurate notes and to assess the people who are interviewed in determining credibility.

Making a Decision

The recommendations should be reviewed and final determination made by the business owner(s), senior level management, legal counsel. This should be decided as if you were going to court to present your case.

Closure of the Investigation

All parties (accused, accuser, alleged victim (if not accuser), senior level management) should be notified in writing of the decision. This will also include any appropriate actions the company will take. This could be:

- Remediation of damages
- Education or training – for the accused and also for other levels of management (to prevent future occurrences)
- Look at work place policies to see if any need to be changed

- Implement possible disciplinary actions and in some specific instances, there may be suspensions or termination. You need to look at the seriousness of the incident, the reactions of the parties (including accused) and how it would affect the business, team members and clients. This should be documented.

Written Summary of Investigation Results – should contain¹:

- The incident or issues investigated including dates
- Parties involved
- Key factual and credibility findings including sources referenced
- Employer policies and/or guidelines and their applicability to the investigation
- Specific conclusions
- Party (or parties) responsible for making the final determination
- Issues that could not be resolved and reasons for lack of resolution
- Employer actions taken

Follow-up with Affected Parties

Many times, people involved in the incident are still working together in some capacity. The accused would have consented and pledged not to repeat certain activities, not retaliate or not prevent the accuser or victim from earning promotions. Business owners and senior level management need to routinely check-in to make certain all parties are observing what they agreed to. This should include talking with the accuser or victim to make certain he/she is able to continue working with all team members in a business, professional relationship.

1 – SHRM (Society for Human Resource Management) online “How to Conduct an Investigation”; 12/6/2010

Examples of Differences In State Law

This is an illustrative example only and does not offer legal or expert advice. You should consult experts for updated information and to address your particular situation only.

What if Firm XYZ consisting of 5 full-time employees and 6 part-time employees (total 11 employees) was located and all employees worked in this state?

| State Benefit | New Jersey | Massachusetts | Illinois | California |
|--|---|--|---|--|
| Credit checks | Prohibit credit check (except in specific cases) | Yes – but must follow certain procedures | Prohibit credit check (except in specific cases) | Prohibit credit check (except in specific cases) |
| Asking about arrest and conviction records | | Can't ask if no conviction; if 1 st conviction on some misdemeanors; or conviction more than 5 years from job application | Can't ask about arrest or conviction ordered expunged or sealed | Can ask about conviction but there are limitations on asking about arrests. |
| Offering paid time off – vacation , sick, holiday | Not required | Not required | Not required | Not required – but should check local law – for example San Francisco requires accrual of sick pay |
| Paying out vacation when employee leaves/terminated | Not required but if provided – it must be uniformly applied according to policy | Employees must be paid for all earned vacation (but not taken) | Employees paid for all earned vacation (but not taken) | Employees paid for all earned vacation (but not taken) |
| How and when is last paycheck sent to employee leaves/terminated | Can wait until the next regular payday whether quit or terminated | If involuntarily terminated – paid date of termination; If voluntarily terminated – next pay period | If possible at date of termination but no later than next regular pay | If discharged or quit with more than 72 hrs notice – same day as termination. If quit without more than 72 hrs or any notice within 72 hours of termination. |
| Meal or other break periods | Mandatory break and meal periods for minors under age 18 | 30 min break (paid or unpaid) for employees after 6 hrs work. Could be waived and employee paid for working | At least 20 mins given after working 5 hours if working total of 7 ½ continuous hours | Not less than 30 mins – paid or unpaid or waived – depends on variety of factors – need to read law |

| State Benefit | New Jersey | Massachusetts | Illinois | California |
|---|--|---|---|---|
| When does non-exempt person get overtime? | Actual hours worked over 40 in a week; overtime rate 1.5 time regular rate | Actual hours worked over 40 in a week; overtime rate 1.5 time regular rate of pay | Work over 40 hours in workweek; rate 1.5 time regular rate of pay | Work over 8 hrs per day, 40 hrs per workweek; rate 1.5 time regular rate of pay |
| Offering paid or unpaid leave | Cash benefits up to 6 weeks of Family Leave Insurance. Worker makes contributions. Temporary Disability Benefits | Massachusetts Maternity Leave Act | School Visitation – up to 8 hours unpaid time off during year | Wide variety and employers of at least 1 employee may have to observe some. |

How Do I Start Addressing These Issues?

Identify & Use Your Experts: Attorney, Human Resource Expert (Manager or Consultant), Accountant To Accomplish The Following:

- Look At Independent Contractors That You Are Currently Using And Assure That You Have Classified Them Correctly And The Independent Contractor(s) Have The Required Paperwork, ID, Materials, Etc.
- Review Your Current Employee Positions – Update Your Job Descriptions And Determine Appropriate Exempt or Non-Exempt Status
- Identify and Follow The Appropriate State And Local Laws
- Audit Your Employee Files and Organize Them For Compliance with Federal and State Laws
- Review Your Benefits – Eligibility For Different Classes of Workers
- Update or Create Employee Manual To Include and Clarify Policies That Support Your Compliance and Reflect Your Company Culture

Additional Resources:

Overtime – Exempt versus non-exempt

U.S. Department of Labor:

Wage and Hour Division: <http://www.dol.gov/WHD/>

Topical Fact Sheets: <http://www.dol.gov/WHD/fact-sheets-index.htm>

Overtime Pay: http://www.dol.gov/whd/overtime_pay.htm

Independent Contractor versus Employee

U.S. Department of Labor - elaws® - Fair Labor Standards Act Advisor:

<http://www.dol.gov/elaws/esa/flsa/scope/screen9.asp>

<http://www.dol.gov/elaws/esa/flsa/screen7.asp>

Thank you For Attending!

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