a 3C Publication
trends+issues

# THE FAIR LABOR STANDARDS ACT AT AGE 65
## QUARTER 2, 2003

It is dense, layered, difficult to interpret and packs a punch with its stiff penalties for non-compliance. It is the Fair Labor Standards Act (FLSA) of 1938, an employment law that impacts the total reward programs offered by nearly all employers yet remains ambiguous on many levels. While the FLSA was created with an important mission that has withstood the test of time — to establish child labor standards, prohibit gender discrimination in the workplace, protect employees from excessive work hours without fair compensation and ensure employee pay does not fall below an established minimum — it is considered by many to be in need of serious reform and updating to complement today's working environment. Indeed, the FLSA remains largely intact in its original form despite significant changes in the workplace over the 65 years since it became law, and application of some of its provisions can be likened to the proverbial attempt to fit a square peg into a round hole. This article outlines the history and key provisions of the FLSA, summarizes the proposed changes to the Act and answers some frequently asked questions regarding the FLSA's overtime and minimum wage provisions.

### A Brief History of the FLSA: From the New Deal to the New Economy

In 1938 the United States Congress passed the Fair Labor Standards Act to guarantee that private sector employers provide their employees with a livable wage and fair compensation for working long hours. At the time of its passage, the FLSA was also considered a means of spurring economic recovery following the Great Depression, as this New Deal legislation would provide an incentive for employers to put more employees on their payroll in order to better distribute the workload and avoid paying for overtime hours at a premium rate. The FLSA also included provisions for equal pay, which prohibits discrimination on the basis of gender for work requiring comparable skill; child labor, which mandates the working conditions and wages of minors in certain occupations; and recordkeeping, which requires employers to maintain records on wages, hours and other vital employee information. With the passage of the FLSA, the Wage and Hour Division of the Department of Labor (DOL) was created to administer and enforce this law as well as other labor laws.

***Exhibit I***
**Then and Now: A Statistical View**

- The U.S. population in July 1938 was just below 130 million; the U.S. population in July 2001 was about 285 million.
- The U.S. unemployment rate in 1938, the year before the start of WWII, hovered around 19%; the unemployment rate in February 2003 was 5.8%.
- In the 1960s, about 1/3 of married couples were dual income earners; in 1997, about 2/3 of married couples were dual income earners.
- In May 2001, almost 29% of full-time U.S. workers had flexible work schedules, nearly double the percentage having flexible work schedules in 1991.
- In 1938, engineers Bill Hewlett and Dave Packard started Hewlett-Packard to enhance their job security with $538 and no firm decision on what they would manufacture. At the end of 2002 (following a merger with Compaq) HP had more than 140,000 employees and annual sales exceeding $56 billion.

*Sources: U.S. Bureau of Labor Statistics, U.S. Bureau of the Census, Hoover's database, Mothers & More*

Since its origin, certain employees have been exempted from the provisions of the FLSA while others have not, creating the employee classifications of exempt and non-exempt. In general, exempt employees hold jobs that require the regular use of independent judgment and decision-making on issues having a complexity level that goes beyond simple "yes" or "no" answers. Exempt employees are expected to put in whatever time it takes to finish work tasks and do not have to receive extra compensation or compensatory time off for working more than 40 hours in a workweek. Non-exempt employees hold jobs that require minimum or no independent judgment; accordingly, decision-making is limited and typically involves following prescribed standards. Non-exempt employees must be compensated at an overtime premium of 150% of their regular rate of pay for all work hours exceeding 40 in a workweek.

In order to determine whether a job is exempt or non-exempt, duties tests were established by the Department of Labor. White collar exemption tests (or "541 rules" named for the section of the Code of Federal Regulations in which they are found) include the following employee categories:

- Executive: includes employees responsible for management of an area within the organization and supervision of other employees
- Administrative: includes employees performing office, non-manual work
- Professional: includes employees working in areas considered learned professions (i.e., accounting, actuarial science), creative artists and teachers. Under the Professional exemption, there is also a specific test for computer-related employees.
- Outside Sales: includes employees selling goods or services away from the employer's place of business

Each of these four white collar exemption tests contains a short test and a long test for determining a job's exemption status. The short test suffices if the employee's weekly salary is at least $250, or about $13,000 per year. In addition to meeting the exemption requirements for the appropriate white collar test, an exempt employee must be paid on a salaried, not hourly, basis. (An exception to this salary requirement is the computer-related Professional exemption, which allows a computer professional to be classified as exempt if his/her hourly rate is at least $27.63.)

## FLSA Minimum Wage Progression and Key Legislative Changes

At the time the FLSA was passed, the federal minimum wage was $0.25 per hour; today, it is $5.15 per hour, the rate that went into effect on September 1, 1997. Since this last adjustment, Congressional legislation has been proposed to further increase the federal minimum wage, with some lawmakers advocating an indexing of the minimum wage to the annual inflation rate. In January 2003, Senator Thomas Daschle introduced the most recent bill to increase the federal minimum wage to $5.90 an hour beginning on the 60th day after the bill is passed and then to $6.65 beginning 12 months after the first increase goes into effect. This bill was co-sponsored by 34 senators and is pending a full vote in the House and Senate. Exhibit II to the right displays the federal hourly minimum wage progression since 1938 for most industries.

*Exhibit II*

| Year | Minimum Wage |
|---|---|
| 1938 | $0.25 |
| 1939 | $0.30 |
| 1945 | $0.40 |
| 1950 | $0.75 |
| 1956 | $1.00 |
| 1961 | $1.15 |
| 1963 | $1.25 |
| 1967 | $1.40 |
| 1968 | $1.60 |
| 1974 | $2.00 |
| 1975 | $2.10 |
| 1976 | $2.30 |
| 1978 | $2.65 |
| 1979 | $2.90 |
| 1980 | $3.10 |
| 1981 | $3.35 |
| 1990 | $3.80 |
| 1991 | $4.25 |
| 1996 | $4.75 |
| 1997 | $5.15 |

Except for the passage of the Equal Pay Act in 1963, which amends the FLSA to make no employee level exempt from protection against gender discrimination in the workplace, most other changes to the FLSA over the years have been primarily focused on widening inclusion to more industry sectors and clarifying the scope of work time that must be included in the overtime calculation. There has been little reshaping of the FLSA to keep up with a changing work environment and a more diverse workforce until very recently, with the DOL issuing proposed changes to the white collar exemption tests discussed in the next section.

### A Call for Reform

Particularly over the past 10 years, proponents of legislative changes to the FLSA have become more numerous and more vocal. While such changes have been stalled in the past, employers, employees and lawmakers alike tend to agree that some revision to the FLSA is needed. The challenge lies in developing meaningful reform that is considered fair to both employees and employers and can be passed by a majority in Congress. In fact, the 105th Congress introduced numerous bills to amend the FLSA during its term in 1997/98, but only one small change was passed related to child labor and underage on-the-job driving.

An incident involving stock options, a popular reward vehicle that is often provided to non-exempt level employees, illuminates the need to better align the FLSA with today's reward programs. In 1999 an advisory opinion was issued by the DOL indicating that profit earned from exercising stock options does not qualify for exclusion from the regular rate used to calculate overtime because such compensation is not discretionary, nor can stock option programs be classified as profit-sharing, trust or thrift savings plans that can be excluded from the regular rate calculation. (While DOL advisory letters are not legally binding, they influence courts in their legal interpretation of the FLSA.) Lobbying efforts from the business community swiftly followed this DOL opinion letter and stressed the difficulty of tracking stock option compensation and properly accounting for it in the regular rate calculation. As a result, the Worker Economic Opportunity Act of 2000 was passed unanimously by Congress the following year to amend the FLSA and allow employers to exclude from the regular rate the compensation realized from stock option, stock appreciation rights and employee stock purchase plans.

On March 31, 2003, the DOL issued proposed changes to overtime exemption rules, which are expected to be in final form by winter 2004. These proposed changes are considered to be the most significant revisions to the FLSA in 50 years and include the following (Source: DOL web site):

1. The minimum weekly rate that employees must earn to qualify for exemption has been increased to $425, or about $22,100 per year.
2. There are proposed changes to the exemption duties test for Executive, Administrative and Professional employees, as well as the proposed elimination of the requirement that exempt employees not spend more than 20% of their time performing non-exempt level work.

   Proposed changes to the exemption by employee classification include:

   - Executive: The revised test has the three requirements of 1) manages the enterprise, 2) directs the work of two or more employees and 3) has direct authority to hire or fire or influence over such decisions.
   - Administrative: It is proposed that the current test that an individual uses "discretion and independent judgment" be replaced with the new test that the individual holds a "position of responsibility"
   - Professional: It is proposed that exempt "learned professionals" include employees who gain knowledge and skills through a combination of job experience, military training or attending a technical school or community college.
3. It is proposed that exempt employees can be docked for full-day absences that are disciplinary-related. (The current rules do not allow for the docking of performance-related absences.)

While it is too early to gauge the true impact of these proposed changes and their consequences, the DOL has been commended for taking on the overhaul of the white collar exemption rules after nearly 50 years of little activity on this front. What other changes to the FLSA are at the forefront of reform efforts? Those focusing on the overtime provisions of the Act include:

**Expand the overtime calculation to cover more than one week.** The FLSA does not dictate when a workweek must begin and end, just that it covers a period of seven consecutive 24-hour days. The FLSA does require that overtime be calculated on a weekly basis, though, which often conflicts with flexible work schedules that transcend one workweek. (For example, a non-exempt employee might work a total of 80 hours in a two-week period, but the work is divided into one 46-hour week and one 34-hour week.) Alternative work schedules have proven to be popular with employees and employers alike, but organizations are often limited in the flexibility they can offer to stay cost neutral when it comes to overtime.

**Remove non-discretionary incentives and bonuses from the regular rate calculation.** Broad-based incentive plan prevalence has increased dramatically over the past 20 years. Employer groups contend that the "look back" approach that requires a recalculation of the regular rate after a bonus is paid is time-consuming and an undue burden.

**Provide an option of compensatory time off in lieu of overtime payment.** The FLSA currently allows state and local governments to provide compensatory time off to non-exempt employees at the 1.5 premium (for example, working four hours of overtime results in six hours of compensatory time off) provided certain conditions are met, including agreement between the two parties. Private sector employers would like to have this option as well.

**Relax the partial day absence rule for exempt employees.** Currently, an employee whose duties would classify him or her as exempt cannot be docked for being absent for a partial workday. If an organization docks an exempt employee for an absence of less than one day, it is possible that the exempt employee will lose his/her exemption status and be eligible for the overtime remedies due a non-exempt employee who has been erroneously classified as exempt.

## A Guide to Interpreting and Applying the Overtime and Minimum Wage Provisions of the FLSA

While some changes to the FLSA appear to be on the horizon, the current rules apply for at least the time being. Here are some frequently asked questions and answers regarding minimum wage, exemption status and overtime provisions of the FLSA. (This section is not intended to be a comprehensive guide or a legal interpretation of the FLSA. Please consult with your legal counsel if you have concerns about your organization's application of the FLSA or any other employment laws.)

## 1. What is included in and excluded from the regular rate calculation?

The regular rate calculation includes the following items:

- Base pay rate
- Non-discretionary bonuses, incentives
- Commission
- Piece rate
- Longevity pay
- Training pay
- Shift differentials
- Board and lodging if considered wages

The regular rate excludes the following items:

- Gifts, such as service awards
- Paid leave (vacation, holidays, sick days, bereavement leave, parental and family leave)
- Reimbursed expenses
- Discretionary bonuses[1]
- Employer contributions to profit-sharing plans, trusts and savings accounts
- Overtime premiums
- Benefit premiums
- Earnings from stock option, stock appreciation rights and employee stock purchase plans[2]

[1] A bonus is considered discretionary if it is not pre-determined and employees do not expect it. In addition, the decision to pay the bonus is made at the end of the performance period at the discretion of management.

[2] Stock option programs must meet certain standards to be excluded from the regular rate, such as a holding period of at least six months, a voluntary exercise and others.

## 2. What is counted as hours worked?

In general, hours worked includes the time in which an employee is engaged in work activities on or off the worksite. Breaks of 20 minutes or less are counted toward hours worked, as is work-related travel time that occurs during a scheduled workday and is not regular commuting time.

Hours worked does not include scheduled breaks if they last 30 minutes or longer and do not involve work-related activities, such as sitting at one's desk to answer incoming telephone calls over a lunch break. Also excluded from hours worked are paid time off, such as vacation, holidays and sick leave, and regular commuting time from home to work and work to home.

On-the-job training and time spent in off-site or on-site training classes that are required by an employer are counted as hours worked. Time spent in training classes that are neither required by an employer nor job-related, are voluntary and are outside normal working hours and do not include work activities do not have to be counted as hours worked.

Waiting time is considered hours worked if an employee is "engaged to be waiting" and cannot use the time effectively for his or her personal purposes. If an employee is "waiting to be engaged", he/she is not overly constrained during the waiting period, and the time does not need to be counted as hours worked. (This "engaged to be waiting" or "waiting to be engaged" distinction was provided by the Supreme Court.)

On-call time that is overly restrictive (such as requiring an employee to stay at home in order to respond to a call within five minutes) and does not allow employees to do personal activities is considered hours worked. If the on-call time is not overly restrictive (such as requiring an employee to wear a pager or cell phone and respond to a call within 30 minutes) and allows the employee to engage in personal activities during the on-call period, it is not considered hours worked.

### 3. What are the penalties for non-compliance with the FLSA?

If an organization is found to have violated the minimum wage or overtime requirements of the FLSA, penalties will vary according to whether the violation was willful or unintended. Employers charged with repeated or willful violations face penalties up to $1,100 per violation. Willful violations of the FLSA may be criminally prosecuted, with the violator subject to a fine of up to $10,000. A second willful violation conviction could lead to imprisonment.

There is also a two-year statute of limitations for paying back wages when a minimum wage or overtime violation occurs, which is increased to three years if the violation is willful.

### 4. Does the federal FLSA take precedence over state laws?

Not always, but at a minimum the federal FLSA requirements must be satisfied. If a state's law is more generous to employees than the federal FLSA in one or more areas (i.e., minimum wage), then the state law takes precedence in these areas.

It is very important for an organization to be familiar with employment requirements in every state in which it operates. The federal minimum wage has not changed in more than five years, but a number of states have increased their minimum wage above the federal rate of $5.15 per hour. Some states also have different rules concerning the overtime calculation and others sections of the Act.

### 5. We recently discovered that a few employees have been erroneously classified as exempt instead of non-exempt for more than one year. We've corrected their classification; are we also required to compensate them for overtime on back wages during the period in which they were misclassified?

Unless the DOL has ordered your organization to pay overtime on back wages to these employees, you are not required to do so upon finding an exemption misclassification from an internal FLSA audit. It is important to remember, however, that you might have to pay this overtime if a complaint is filed with the Wage and Hour Division of the DOL or you are otherwise directed to do so by the DOL. The statute of limitations for paying overtime on back wages is two years (provided the misclassification is not a willful violation of the FLSA, in which case it is three years) starting on the date the exemption status is corrected.

## 6. Can a non-exempt employee be paid on a salaried basis?

Yes. A non-exempt employee can be paid on a salaried basis or an hourly basis, but an exempt employee MUST be paid on a salaried basis in order to maintain exemption status.

If a non-exempt employee is paid hourly, the pay level will vary by the number of hours actually worked in a week. If a non-exempt employee is paid on a salaried basis, the employee's wages cannot vary except for overtime premium earnings when a workweek exceeds 40 hours. A non-exempt employee paid on a salaried basis can have the salary cover more than 40 hours in a workweek, but overtime must be factored in at the 1.5 premium for all hours above 40.

*Example for Non-exempt Hourly and Salaried Employees*

(Assume regular rate is same as base pay rate for overtime calculations in this example)

1. Hourly rate = $12.50
   - Earnings for 35-hour week = $437.50. (35 hours @ $12.50/hour)
   - Earnings for 50-hour week = $687.50 [(40 hours @ $12.50/hour) + (10 hours @ ($12.50 x 1.5 OT premium)]
2. Salary = $575 for a 44-hour week (4 hours of OT factored into salary)
   Equivalent hourly rate = $12.50. [(40 hours @ $12.50/hour + (4 hours @ ($12.50 x 1.5 OT premium)
   - Earnings for 35-hour week = $575.00. (Base salary does not waiver if 40 or fewer hours are worked)
   - Earnings for 50-hour week = $687.50. [(40 hours @ $12.50/hour + (10 hours @ ($12.50 x 1.5 OT premium)
3. Salary = $575/week covering weekly work hours; the equivalent hourly rate varies weekly but cannot dip below the minimum wage rate.
   - Earnings for 35-hour week = $575 (Base salary does not waiver if 40 or fewer hours are worked)
   - Earnings for 50-hour week = $632.50. Hourly rate is $11.50 ($575 ÷ 50 hrs.) [40 hours @ $11.50/hour + 10 hours @ ($11.50 x 1.5 OT premium)]

## 7. How can we add flexibility to work schedules without increasing overtime costs?

For the purpose of FLSA compliance, the workweek is defined as a consecutive 168 hours that can start and stop at any time designated by the employer. The workweek can fluctuate from one employee group/department to another and be changed from time to time by the employer, but it cannot change frequently for the purpose of avoiding overtime. The following example demonstrates how the workweek definition can accommodate a non-traditional schedule of eight 10-hour workdays over a two-week period.

*Example: Workweek Definition*

In a two-week period, non-exempt computer operators work five consecutive 10-hour days, have three days off, work three consecutive 10-hour days and have three more days off.

| Calendar Week | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---|---|---|---|---|---|---|---|
| Week One | 10 | 10 | 10 | 10 | 10 | Off | Off |
| Week Two | Off | 10 | 10 | 10 | Off | Off | Off |

If the workweek is defined the same as the calendar week, 10 hours will need to be compensated at the overtime rate every other week, but…

| Workweek | Thursday | Friday | Saturday | Sunday | Monday | Tuesday | Wednesday |
|---|---|---|---|---|---|---|---|
| Week One | 10 | Off | Off | Off | 10 | 10 | 10 |
| Week Two | Off | Off | Off | 10 | 10 | 10 | 10 |

A workweek that begins on Thursday at 12 a.m. and ends on Wednesday at 11:59 p.m. will accommodate this same schedule with no overtime obligation.

## 8. Some of our job descriptions make jobs sound exempt when they are actually non-exempt. How should we monitor this?

Job documentation that describes exempt-level duties and responsibilities when a job is actually non-exempt is not a defense against potential FLSA violations and can only hurt an organization. While an HR department should conduct ongoing FLSA testing for new jobs and complete desk audits and employee interviews when the exemption status of a job is questionable, managers also must be held accountable for accurately documenting the jobs in their department. Education concerning the stiff penalties of FLSA non-compliance is a good starting point toward manager understanding of the implications of what might seem like a harmless attempt to ramp up a job's duties and responsibilities or make them sound more involved than they really are. It is worth noting that some managers overstate job documentation to make a job sound more professional and avoid the "non-exempt stigma", but this actually hurts employees by not paying them for overtime hours and creates liability issues for the organization. A better approach would be to pay non-exempt employees on a salaried basis.

Regular updating of job documentation followed by careful review of the submitted information for appropriateness are also good practices to avoid potential FLSA issues. (In reviewing completed job documentation, always beware of job descriptions including phrases like "uses a lot of independent judgment" or "job involves high-level decision-making". Job documentation should lead the reader to these conclusions, not state them outright.)

9. **Non-exempt employees in my department are told not to work overtime hours unless approved by a manager. Lately I've noticed that a non-exempt employee is taking work home in the evening and not accounting for this extra time in his weekly timesheet. Is this a violation of the FLSA given our policy on overtime hours and ongoing communication of it to employees?**

   Yes, it is. It is incumbent upon the employer to ensure that a non-exempt employee is compensated for all hours worked, including work hours outside the office. Even though the employee is working overtime hours on his own volition and not requesting extra compensation, it is still an FLSA violation and cannot be ignored. Meet with the employee to voice your concerns and insist that the practice of working unauthorized overtime hours stop immediately. This might require a restructuring of the individual's job to alleviate some of the workload.

10. **I've been asked to reclassify the Executive Assistant to the CEO as an exempt level job. While some duties clearly involve independent judgment, the job is still doing a fair amount of administrative work. What is the norm for this job's exemption status?**

    The executive assistant to the top executive is the administrative job having the highest likelihood of being exempt, but even at this level the job is more often non-exempt because the incumbent typically does not meet the current duties test requiring that non-exempt level work be capped at 20% of the total hours worked.

    While reporting structure defines an administrative job to some extent, actual duties and responsibilities are much more important. An exempt executive assistant typically has the following responsibilities:

    - Manages one or more individuals within the department and oversees their work.
    - Coordinates the executive's schedule and plans meeting agendas with little or no involvement from the executive. Will participate in some meetings in the executive's absence and then be expected to synthesize the meeting and provide recommendations for moving forward.
    - Develops original, substantive memos and correspondence with little or no direction from the executive.
    - Work is confidential and involves a very high degree of discretion.

    In reality, few executive assistants meet this profile and also meet the 20% non-exempt work limit. A quick test of exemption status for this job is to ask whether the incumbent is likely to be promoted into management or executive ranks in the future. If the answer is yes, then the position might be exempt.

## 11. We have an incentive plan that pays out quarterly, and I don't know if we are calculating the overtime due to non-exempt participants appropriately. How should we be handling this?

Overtime in this case will be calculated and paid retroactively, and there are a few of approaches that can be used. See the examples below.

***Example Assumptions***

- Base pay rate = $10 per hour
- Quarterly incentive = 10% of base pay
- Regular hours in quarter = 500
- Overtime hours worked during quarter = 100
- Total hours = 600
- Total regular time paid before incentive = $5,000 (500 hours times $10/hour)
- Total overtime paid before incentive = $1,500 (100 hours times $15/hour)
- Total wages before incentive = $6,500

***1. Calculate Incentive Based on Wages***

| | |
|---|---|
| Total wages before Incentive: | $6,500 |
| Incentive calculation: | $6,500 * 10% = $650 |
| Total wages after Incentive: | $6,500 + $650 = $7,150 |

***2. Calculate Incentive Based on Hours***

| | |
|---|---|
| Regular rate = $10 + ($10*10%) = $11 | $11.00 * 500 hours = $5,500 |
| Overtime = $11 * 1.5 = $16.50 | $16.50 * 100 hours = $1,650 |
| Total wages after incentive: | $5,500 + $1,650 = $7,150 |
| Total wages before incentive: | $6,500 |
| Total incentive | $7,150 – $6,500 = $650 |

***3. Calculate Incentive Based on Adjusted Hours***

| | |
|---|---|
| Determine Adjusted Hours: | 500 hours + 100 hours * 1.5 = 650 hours |
| Determine Incentive: | 650 hours * ($10 * 10%) = $650 |

## 12. Our pay system determines exemption status by salary structure grade. (For example, grades 10 and below are non-exempt; grades 11 and above are exempt). Is this approach okay?

Salary structure placement should be used as a tool in determining exemption status but should not be the only factor considered. While salary grade assignments frame a job's level within the organization, FLSA status should be determined on a job basis to avoid non-compliance issues. This is especially important for the jobs falling in the gray area between exempt and non-exempt where salary level, which drives pay grade assignment, is not always a good indicator of responsibilities and accountabilities.

13. **We have a number of jobs paid right at or slightly above the minimum wage. As the minimum wage increases, how should we avoid pay compression between the minimum wage jobs and the next level jobs that are paid about 15% higher?**

    Ideally you would increase the wages of the other jobs by the same adjustment made to the minimum wage in order to maintain the same pay differentiation between the two job levels. If this is not economically feasible, it is recommended that the pay adjustment be phased in over time with a portion of the adjustment provided immediately in order to maintain some level of internal equity, even if the progression between the two job levels is smaller than it should be during a transition period.

14. **In our production area, supervisors are exempt and line workers are non-exempt. While a supervisor's targeted pay level is about 20% higher than a line worker's target, overtime paid to the line workers often results in these two jobs being paid equally. What is the best way to handle this?**

    This issue is fairly common and a reason to curb overtime hours to the extent possible. Assuming the supervisor's hours are the same or exceed those worked by the line staff, paying the jobs equally or paying the non-exempt workers at a higher rate poses serious inequity issues. If the amount of overtime worked on the line can be reduced by improving efficiency, hiring more employees or distributing the extra hours to more individuals, this is the preferred solution. If overtime at the current level is deemed necessary, then production supervisors should be eligible for a variable compensation plan that will increase their target total cash level and recognize their increased accountability and responsibility vis-à-vis the line workers.

## Closing Thoughts

Maintaining compliance with the FLSA requires both a thorough understanding of the provisions of the Act and the use of good judgment in interpreting these provisions. Effective employee communication to help ensure that employees understand how they are paid and why is also very important and could help avoid unwarranted complaints to the DOL when an organization is in full compliance with the law. Regardless of the proposed changes to the FLSA, these basic tenets will remain essential.



For more information on this topic, please contact:

Lisa Audi, Partner, 312.343.2403, Lisa.Audi@3Ccomp.com
Dawn Cumpston, Partner, 412.576.7807, Dawn.Cumpston@3Ccomp.com
Brian Enright, Partner, 312.343.3222, Brian.Enright@3Ccomp.com
Mark Reilly, Partner, 708.606.9861, Mark.Reilly@3Ccomp.com