Overtime Labor Law

6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes

Special Report from: Business Management DAILY
Overtime Labor Law:

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Overtime Labor Law:

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Employers, beware: The Department of Labor recently proposed the biggest overhaul to U.S. overtime law in history. The proposed new regulations would more than double the salary threshold that makes white-collar managers eligible for overtime pay (see details on page 4).

The last time the DOL revised the Fair Labor Standards Act exemption regulations in 2004, overtime lawsuits exploded nationwide. And now, experts predict that trend will likely continue when the new overtime regulations take effect sometime in 2016.

For years, the DOL has continued to issue a somber report card on employers for violating the FLSA’s wage-and-hour rules. For example, in fiscal 2014, the department’s Wage & Hour Division recovered nearly $241 million in back wages for employees, up 22% from fiscal 2004. The top mistake for employers—and the most costly one—is wrongly labeling employees as exempt from overtime pay, according to the DOL.

For employers, the stakes are high. Employees misclassified as exempt can be eligible for two years’ worth of back wages (three if the violation was “willful”) at 1.5 times the hourly rate, plus liquidated damages equal to the unpaid wages. That means employees can collect up to three times their regular rate of pay.

How can you avoid becoming another target of an employee lawsuit or a DOL audit? The key is to regularly audit your workforce classifications and job descriptions to ensure you’re correctly classifying employees as exempt under the current overtime rules—and preparing for the new salary exemption thresholds coming in 2016. Use this special report, Overtime Labor Law, as your blueprint to do just that.

Overtime Labor Law: Compliance Tips #1

Guidelines on classifying FLSA exempt employees

In 2004, revised DOL regulations took effect, constituting the most dramatic changes to federal overtime law in more than 50 years.
By updating certain provisions of the FLSA, the DOL redefined which white-collar employees are “exempt” under the FLSA (i.e., not eligible for overtime pay) and which are “nonexempt” (eligible for overtime pay).

Those federal overtime rules clarified and altered both the “salary test” and the notoriously confusing “duties tests” that are used to determine employees’ FLSA exemption status.

Exempt positions generally fall into five categories:

1. Executive
2. Administrative
3. Professional (both learned and creative professionals)
4. Computer professional
5. Outside sales

In addition, the revised overtime regulations contained a “highly compensated” employee exemption for workers who are paid total annual compensation of $100,000 or more.

Following is a detailed breakdown of the exemption categories under the DOL’s current regulations, adapted from DOL fact sheets.

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**Salary-basis test for exempt employees**

Being paid on a salary or fee basis is the quid pro quo of exempt employees. They aren’t paid overtime for working more than 40 hours a week; in exchange, their employer must provide a guaranteed salary, which can’t be reduced when they work fewer than 40 hours.

This reflects the understanding that exempt employees have the discretion to manage their time and are not answerable for hours worked or the number of tasks performed. Rather, they’re paid for the general value of the services they provide. In addition, you may not deduct pay for time when work isn’t available if salaried workers are ready, willing and able to work.

Under the DOL’s current FLSA regulations, the minimum salary a worker must earn to qualify as exempt is $455 per week, $910 biweekly (every other week), $985.83 semimonthly (every 1st and 15th of the month), $1,971.66 monthly or $23,660 annually.
Other characteristics of being paid on a salary basis:

- **Exempt employees earn a set salary** even if they work only part of the week.
- **Employers can’t dock their pay** for a partial-day absence.
- **Employers can’t dock their pay** as a disciplinary measure unless they have committed a serious safety infraction (breaking a rule designed to prevent endangering the facilities or other workers). The regulations state that you may deduct for “unpaid disciplinary suspensions of a full day or more imposed in good faith for infractions of workplace conduct rules,” such as sexual harassment or workplace violence. However, you will need a written policy that is applied uniformly to all workers.

Make sure you abide by the salary rules. If you don’t, the employee is no longer exempt, no matter what his or her duties and responsibilities are. And remember: Destroying a person’s exemption can make you liable for two years’ overtime pay for any hours worked beyond 40 per week.

### Prepare now for the new overtime rules

The DOL’s long-awaited rewrite of the overtime rule for salaried administrative, executive and professional employees would raise the bar to $50,440 per year in 2016, up from the current $23,660. The new salary basis works out to $970 per week in 2016, compared to $455 currently. Not only that, but the proposed rule calls for *annual* adjustments of the salary threshold.

*(Note: The proposed rule doesn’t change the duties test that defines what constitutes administrative, executive and professional work, but leaves open the possibility of doing so in the future.)*

Employers should prepare now so they won’t be caught flat-footed when the revised overtime regulations take effect in 2016. Here are five steps to take:

1. Review current salaries for all exempt employees.
2. Determine which employee salaries you can raise to retain exempt status and which you cannot, based on your company’s labor budget.
3. Analyze how many hours exempt employees now work and what it would cost if their current salary is converted to an hourly figure and they continue to work the same number of hours.
4. Decide whether you will lower the hourly rate when you convert from exempt to hourly status so that total earnings remain the same.
5. Don’t forget to consider morale if you plan to slash that hourly rate.

### Checklist: Who’s Exempt, Who’s Not?

To determine the potential overtime eligibility status for each of your employees under these new proposed regulations, download our free checklist *Who’s Exempt, Who’s Not?* at [www.theHRSpecialist.com/checklist2015](http://www.theHRSpecialist.com/checklist2015). To view our self-audit checklist under the current overtime exemption rules, see pages 14-17 at the end of this report.
Overtime Labor Law: Compliance Tips

Duties tests for the 5 FLSA exemption categories

Currently, workers who earn at least $455 a week may be exempt from overtime pay if they also meet the appropriate tests for their classification, as outlined in this section.

1. Exempt executive employee

To qualify for the executive exemption, an employee currently must earn a minimum of $455 per week and meet the following tests:

- Primary duty: manages the enterprise or a customarily recognized department or subdivision of the enterprise.
- Customarily directs the work of two or more other employees.
- Has authority to hire or fire other employees or whose suggestions and recommendations as to hiring, firing, advancement, promotion or other change of status of other employees must be given particular weight.

2. Exempt administrative employee

To qualify for the administrative exemption, an employee currently must earn a minimum of $455 per week and meet the following tests:

- Primary duty: performs office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers.
- Exercises discretion and independent judgment with respect to matters of significance in performing his or her primary duty.
3. Exempt professional employee

The specific requirements for exemption as bona fide professional employees are summarized below. These employees fall into two general categories: learned professionals and creative professionals.

Learned professional exemption:

To qualify for the learned professional exemption, an employee currently must earn a minimum of $455 per week and meet these tests:

- Primary duty: performs work requiring advanced knowledge, defined as work that’s predominantly intellectual in character and requires consistent exercise of discretion and judgment.
- Has advanced knowledge in a field of science or learning that’s customarily acquired by a prolonged course of specialized intellectual instruction.
Examples in the learned professional category include doctors and lawyers, teachers, registered or certified medical technologists, registered nurses, dental hygienists, physician assistants, accountants, chefs, athletic trainers, and funeral directors and embalmers.

**Creative professional exemption:**

To qualify for the creative professional exemption, an employee currently must earn a minimum of $455 per week and meet these tests:

- Primary duty: performs work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor. The exemption doesn’t apply to work that a person could perform with general manual or intellectual ability and training.
- Works in a recognized field of artistic or creative endeavor, including music, writing, acting and the graphic arts.

Unfortunately, it’s hard to assess whether someone is a creative professional since educational background isn’t a prerequisite. Rather, the exemption hinges on whether the person holding the position is engaged in a creative endeavor. Thus you should carefully review your own job descriptions before placing someone in the creative professional exempt category.

Generally, the following are exempt creative professionals: actors, musicians, painters and artists, cartoonists, essayists, writers in advertising agencies and journalists.

**4. Computer-related professional exemption**

To qualify for this exemption, a computer employee currently must meet all the following tests:

- Be compensated *either* on a salary or fee basis at a rate not less than $455 per week or, if paid on an hourly basis, earn at least $27.63 per hour.
- Must be a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below.
- Primary duty must consist of:

  1. **Application of systems analysis** techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications.
2. **Design, development**, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.

3. **Design, documentation**, testing, creation or modification of computer programs related to machine operating systems.

4. **Or a combination** of the aforementioned duties that requires the same level of skills.

No specific educational requirement applies to this exemption. The DOL says, however, that workers who simply use computers to aid in their work, such as drafters and others in computer-aided design, don’t qualify. This exemption also doesn’t include those who repair computers or assemble them.

(Caution: This is an area where many employers go wrong by trying to classify even IT help-desk workers as exempt.)

5. **Outside sales employee exemption**

Outside sales employees may also be exempt if their primary duties are one of the following:

- Making sales or
- Obtaining orders or contracts for services or use of facilities for which a consideration will be paid by the customer and
- Who are customarily and regularly engaged away from the employer’s place or places of business while selling or obtaining orders or contracts for services.

Essentially, an outside sales employee spends most of his or her time away from the employer’s office facilities “on the road” making sales calls. The person doesn’t lose exempt status by performing a few tasks that aren’t directly related to sales.

The outside sales exemption doesn’t apply to salespersons who work in-house or may work from a home office. The regulation specifies that “outside sales does not include sales by mail, telephone or the Internet . . .” unless the person is following up on a personal sales call. The crucial factor distinguishing outside salespeople from others is the emphasis on face-to-face selling.

No minimum salary requirement applies for outside sales employees. Many are paid straight commission rather than a salary. This category includes insurance and real estate salespeople.
Online resources: FLSA exemptions

The DOL offers two interactive e-tools, FLSA Coverage and Employment Status Advisor and FLSA Overtime Security Advisor, to help you determine the status of a particular position.

Safeguard your organization by using them to classify new positions and audit your existing worker classifications.

Overtime Labor Law: Compliance Tips #4

6 legal safeguards for FLSA exemptions

1. Adopt a safe-harbor policy

When the DOL rewrote the overtime regulations in 2004, it created a “safe harbor” defense for employers that unintentionally make improper deductions from exempt employees’ salaries. That provision allows you to correct improper-deduction mistakes without losing an employee’s exempt status.

Prior to that change, a single mistake could have resulted in lost exempt status, overtime back pay and fines.

To use that defense, you must adopt a policy that bans improper deductions and provides an avenue to raise complaints.

Tip: The DOL offers a Model Salary Basis Policy that you can, and should, adopt for your own organization.

2. If you reclassify an employee, do so with finesse

Whenever you reclassify an employee as nonexempt, you will likely encounter one of two reactions:

- Some employees, especially those who view themselves as “management,” will view a reclassification as a demotion or an insult.
- Others may use reclassification to complain that they should have received overtime for as long as they’ve been employed.
To soften these reactions, consider “selling” reclassification by explaining that the organization has changed the way it compensates certain employees in an effort to recognize their contributions.

Draw the spotlight away from reclassifications by implementing them at the same time as other organization changes, such as new fringe-benefit programs.

In any event, don’t say the organization is changing a classification to comply with the wage-and-hour labor law. Doing this would effectively invite employee complaints.

3. How to avoid paying overtime to an employee who doesn’t satisfy one of the white-collar exemptions

Although all your nonexempt employees must receive overtime pay whenever they work more than 40 hours in a workweek, you should be aware of two “loopholes”:

- **Independent contractors.** In some cases, it may be appropriate to reclassify employees as independent contractors, who are obviously not due overtime pay. Such a reclassification won’t be possible in most cases, but it’s worth looking into. Remember that titles don’t matter. What matters is whether the “economic realities” demonstrate that a worker may properly be classified as a contractor.

- **Salaried, nonexempt.** Many employers are unaware that some employees can be properly classified as “salaried nonexempt.”

Specifically, DOL rules say a nonexempt employee whose hours fluctuate week-to-week can be paid on a salary basis if an agreement exists between you and the employee that he or she will receive overtime pay equal to one-half his or her regular rate.

Using a “salary-plus-half-time” calculation, instead of the traditional calculation, means that the employee will earn less overtime pay. Indeed, under the salary-plus-half-time calculation, an employee’s regular rate grows smaller for each hour worked beyond 40 hours a week.

4. Fine-tune your payroll record-keeping

Beyond proper classification, simply keeping accurate records goes a long way toward compliance.
The FLSA’s record-keeping requirements for exempt employees differ from those for nonexempt workers. Because you don’t pay exempt employees by the hour, you shouldn’t track the exact number of hours they work on a daily basis. Doing so could make it seem to a wage-and-hour DOL auditor that you are indeed basing pay on the number of hours worked, which might raise the question of whether the employee is truly exempt.

However, just because a worker is exempt doesn’t mean your company is freed from keeping records on him or her. With exempt employees, you should keep records that describe the workweek and the wages paid for that period.

Specifically, you should keep these records on FLSA exempt employees:

- Personal information, including name, home address, occupation, gender (for equal pay laws), birth date for workers under age 19 (for child labor laws) and the person’s workplace identification number
- Time of day and day of week when the employee’s workweek begins
- Total wages paid each pay period
- Date of payment and the pay period covered by each payment

Your records for exempt employees can also track which days are used for sick days, vacation days or personal days.

**Advice:** The FLSA’s record-keeping rules are complex. Additional factors such as industry and type of work can come into play. To find more advice and read the pertinent federal regulations (29 CFR 516, subparts A and B), go to the [Record-keeping & Reporting](#) section of the DOL site or call the FLSA hotline at (866) 487-9243.

**5. If exempt employee status is in question, issue a ‘good-faith’ reply**

If employees come forward to protest that you owe them overtime pay because they should truly be nonexempt, it pays to act fast and be able to show good cause why you classified them as exempt in the first place.

Your quick response may determine whether you’ll owe just the back overtime pay or *double* that amount. The FLSA allows employees to collect double (or “liquidated”) damages unless you can show your mistake was made in good faith and you honestly intended to classify the employee correctly. Plus, you may be on the hook for attorneys’ fees.

To head off such complaints, host an annual classification review. Have a team compare all employees’ job descriptions (and actual duties) against the FLSA.
exemption regulations. (Some states set their own rules. Get a legal opinion if you’re stumped about an employee’s status.)

If any positions should be switched to hourly, make the change as soon as possible and start paying overtime. Then, do your best to calculate what you owe for past unpaid overtime.

**Bottom line:** If an employee files an overtime suit, your annual classification audit would likely be enough proof of your good-faith efforts to ward off double damages.

**Case in point:** A group of technical writers sued Indiana Michigan Power, alleging it had wrongly classified them as exempt. The court agreed. It then had to decide whether the utility made the mistake in good faith. At stake were double damages and attorneys’ fees. The three strikes against the employer: (1) It couldn’t explain why it made the writers exempt. (2) The decision-makers weren’t familiar with the FLSA overtime rules. (3) The employer didn’t seek outside help when it received the original complaint, but waited until it was sued.

All this indicated a lack of good faith. As a result, the company’s liability doubled from $215,000 to $430,000. Plus, the court ordered it to pay another $111,000 to the attorneys. (*Renfro, et al., v. Indiana Michigan Power Co.*, No. 1:99-CV-877, WD MI)

**6. Never ignore written advice from your lawyer**

Employers that underpay employees in violation of the FLSA’s overtime provisions are generally liable for two years’ worth of back pay. These are then doubled as punishment for getting it wrong. If the violation is willful, that adds another year of unpaid wages to the tab, which is also doubled. That’s a 50% bonus for the employee.

If your lawyers have told you that you have misclassified an employee, ignoring that advice can be used against you. The opinion becomes evidence of a willful violation, making the employee eligible for the bonus payment.

**Case in point:** Robert worked for a sports car racing team, building and maintaining the cars, helping run the team’s shop and coaching its driver.

After Robert was fired for insubordination, he sued, alleging that he had been misclassified as exempt. He asked for back pay going back three years instead of the standard two. The reason? He believed that his employer’s violation was willful.
And as part of the evidence of that willfulness, he discovered that the team owner had ignored written legal guidance from its attorney. The memo included an opinion that the team’s mechanics should be classified as hourly employees and not as exempt administrative, executive or professional employees.

The company argued that failing to follow its attorney’s advice wasn’t evidence that it acted willfully.

The court said whether the team acted willfully or not could go either way. Since that was the case, it ordered a trial. It was left to a jury to decide the matter after hearing all the evidence, including the lawyer’s opinion letter. (*Johnson v. Derhaag Motor Sports*, No. 13-CV-2311, DC MN)

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**Overtime Labor Law: Compliance Tips**

#5

*What to do when a DOL auditor comes a’knocking*

Suppose an employee has complained to the DOL about possible wage-and-hour or overtime violations in your workplace. Once you’ve been notified that an auditor is coming, get prepared by conducting your own audit.

DOL auditors have plenty of latitude to inspect records and interview employees, so make sure you’ve done everything possible to discover and correct any compliance problems as well as gather documents to defend your decisions.

If faced with an audit, you should:

- **Review the differences** between federal and state overtime labor laws to ensure you’re complying with the stricter of the two.

- **Reread the job descriptions** of any positions that might be in question. Interview people in those jobs and their supervisors to ensure their job descriptions are accurate. Find out what the workers actually do, and check timekeeping records. Promptly correct any errors.

- **Interview exempt employees** to find out how much time they spend on duties typically done by hourly employees. If it’s more than 20% (or in retail, 40%), consider reclassifying the employee as nonexempt. (There’s no liability in classifying too many people as nonexempt; it’s the opposite that plunges employers into hot water.)
• Check to see that employees are performing their jobs as assigned and working the hours designated by management. If they’re not, insist they start doing so.

• Train supervisors and managers on how to determine who’s an exempt employee and who’s not.

• Check your overtime records. If you discover unpaid overtime, pay it immediately—even if the overtime wasn’t approved.

• Review your policy manual with an experienced employment attorney to make sure it’s complete and in line with the law.

• Enlist help with all of this from a consultant or attorney. Many of the regulations are difficult to interpret, and the wrong call could cost you plenty.

Overtime Labor Law: Compliance Tips #6

Self-Audit: FLSA exempt or nonexempt employee?

To be considered exempt from overtime, an employee must generally be paid on a salary basis and his or her job duties must meet the DOL’s standards for one of the six exemption categories discussed below.

Use this self-audit to test whether you’re properly classifying workers as exempt under the current FLSA regulations. *(Note: Under the DOL’s proposed new overtime rules, the salary level threshold would rise to $970 weekly, compared to $455 per week currently. See details at www.theHRSpecialist.com/checklist2015.)*

■ Executive Employee ____________________________________________________________

Answer the following questions to determine whether you’ve misclassified a worker as an exempt executive:

1. Is the employee’s primary duty managing the enterprise or a department or subdivision of the enterprise?  
   □ □ □

2. Does the employee customarily direct the work of two or more other employees or their equivalent?  
   □ □ □

3. Does the employee have the authority to hire or fire, and do his or her recommendations carry significant weight if unauthorized?
4. Is the employee paid the equivalent of at least $455 per week on a salary basis?

If you answered “No” to any of these questions, you may have misclassified the worker as an exempt executive. **Note:** If the employee is at least a 20% owner of the business and meets requirements #1 and #2 above, he or she need not meet the salary requirement in #4 or the authority requirement in #3.

**Administrative Employee**

Answer the following to determine whether a worker is misclassified as an exempt administrative employee:

1. Is the employee’s primary duty performing office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers?

2. Does the employee exercise discretion and independent judgment with respect to matters of significance? That is, does he or she evaluate and compare possible courses of action and then make a decision or recommendation after considering the various possibilities?

3. Is the employee paid the equivalent of at least $455 per week on a salary basis?

If you answered “No” to any of these questions, the employee may be misclassified as exempt administrative.

**Learned Professional Employee**

Answer the following to determine whether a worker is misclassified as an exempt learned professional:

1. Is the employee’s primary duty to perform work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction?

2. Is the advanced knowledge obtained by completing an academic course of study resulting in a four-year college degree or leading to certification?

3. Is the employee paid the equivalent of at least $455 per week on
Overtime Labor Law: 6 Compliance Tips

If you answered "No" to any of these questions, the employee may be misclassified as an exempt learned professional. **Exception:** Those who've completed the educational requirements for a law or medical degree need not meet the minimum salary requirement. Also, teachers need not be certified or meet the minimum salary requirement to qualify as learned professionals.

### Creative Professional Employee

**Answer the following to determine whether a worker is misclassified as an exempt creative professional:**

1. Is the employee’s primary duty to perform work requiring invention, originality or talent in a recognized field of artistic endeavor such as music, writing, acting and the graphic arts?  
   - Don’t ❑ Yes ❑ No ❑ Know ❑

2. Does the work require more than intelligence, diligence and accuracy (i.e., does it require "talent")?  
   - Don’t ❑ Yes ❑ No ❑

3. Is the employee paid the equivalent of at least $455 per week on a salary basis?  
   - Don’t ❑ Yes ❑ No ❑

If you answered "No" to these questions, you may have misclassified a worker as an exempt creative professional.

### Computer Professional

**Answer the following to determine whether a worker is misclassified as an exempt computer professional:**

1. Is the employee paid at least $455 per week on a salary or fee basis or, if paid hourly, at a rate of not less than $27.63 per hour?  
   - Don’t ❑ Yes ❑ No ❑ Know ❑

2. Is the employee’s primary duty:
   - Application of system analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications; or  
   - Design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; or  
   - Design, testing, documentation, creation or modification of computer programs related to machine operating systems; or  
   - A combination of the aforementioned duties requiring the
same level of skills? □ □ □

If you answered “No” to #1 or were unable to answer “Yes” to any parts under #2, you may have misclassified the worker as an exempt computer professional.

### Outside Sales Employee

To determine whether a worker has been misclassified as an exempt outside sales employee, answer the following questions:

1. Is the worker’s primary duty making outside sales? □ □ □

2. Does he or she regularly work away from the company’s place of business? □ □ □

3. Does the worker sell tangible or intangible items, such as goods, insurance, stocks, bonds or real estate, or obtain orders or contracts for services or the use of facilities? □ □ □

If you answered “No” to any of these questions, you may have misclassified the worker as an exempt outside sales employee.
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Maternity Leave Laws: 7 guidelines on pregnancy discrimination law, state maternity regulations, pregnancy disability leave, plus a sample maternity leave policy

It’s important to know what you must do—and what you can’t do (or say)—under federal anti-discrimination and maternity leave laws. And it’s vital to double-check state maternity leave statutes, which may provide more liberal leave benefits. While no federal law requires you to provide paid maternity leave, most employers must comply with the pregnancy discrimination law and FMLA maternity leave regulations. Here are 7 guidelines on how best to comply with maternity leave laws, plus a sample leave policy you can adapt for your own organization.

www.businessmanagementdaily.com/MaternityLeaveLaws
**The Office Organizer**: 10 tips on file organizing, clutter control, document management, business shredding policy, record retention guidelines and how to organize office emails

Learn how to keep your office operations running smoothly—and ward off chaos and legal trouble—with practical document management techniques for administrative professionals, office managers and HR professionals.

[www.businessmanagementdaily.com/OfficeOrganizer](http://www.businessmanagementdaily.com/OfficeOrganizer)

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**Employment Background Check Guidelines**: Complying with the Fair Credit Reporting Act, conducting credit background checks and running a criminal check to avoid negligent-hiring lawsuits

Employment Background Check Guidelines shows employers and HR professionals how to properly conduct reference/background checks, select third-party background firms and why screening candidates online on social networking sites is legally risky business. Don’t allow your organization to risk being held liable for “negligent hiring” or “failure to warn” should an employee turn violent on the job.

[www.businessmanagementdaily.com/BackgroundCheckGuidelines](http://www.businessmanagementdaily.com/BackgroundCheckGuidelines)

**Salary Negotiating 101**: 7 secrets to boosting career earnings, negotiating a raise and striking the best deal in a job offer negotiation

Think you deserve a raise, but are afraid to walk into your boss's office and ask? Don’t let ineffective negotiation skills hold you back. Employees at all levels can boost their career earnings by following the rules on negotiating a raise, hashing out the best pay package in a job offer negotiation and knowing their market value.

FMLA Intermittent Leave: 5 guidelines to managing intermittent leave and curbing leave abuse under the new FMLA regulations

One of the biggest employer complaints about the Family and Medical Leave Act (FMLA) is the productivity problems caused by employees’ use—and abuse—of FMLA intermittent leave. The problem: Employees with chronic health problems often take FMLA leave in short increments of an hour or less. The Department of Labor took steps to help minimize workplace disruptions due to unscheduled FMLA absences by saying that, in most cases, employees who take FMLA intermittent leave must follow their employers’ call-in procedures for reporting an absence. Amend your organization’s policies, update your employee handbook and revisit how you track FMLA intermittent leave with these 5 guidelines.

Overtime Labor Law: 6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes

Employers, beware: The Department of Labor’s Wage and Hour Division reports that wage-and-hour labor litigation continues to increase exponentially. Federal class actions brought under the Fair Labor Standards Act (FLSA) outnumber all other types of private class actions in employment-related cases. Use this special report, Overtime Labor Law: 6 compliance tips to avoid overtime lawsuits, wage-and-hour Labor audits and FLSA exemption mistakes, to review your overtime pay policy and double-check your FLSA exempt employees’ status. Expecting a visit from a DOL auditor? Get prepared by taking the self-audit at the end of this report.

Office Communication Toolkit: 10 tips for managers on active listening skills, motivating employees, workplace productivity, employee retention strategies and change management techniques

A manager’s job is 100 times easier and more rewarding when his or her employees are performing like a well-oiled machine. But when that machine runs slowly or breaks down entirely, a manager’s job becomes exponentially harder. The best managers are the best listeners … listen to our 10 tips and maximize office communication skills and bolster workplace productivity.

Workplace Violence Prevention Toolkit: HR advice, guidelines and policies to keep your workplace safe

Unfortunately, in the wake of a spate of workplace shootings, HR professionals and managers nationwide must consider the horrific possibility of violence erupting at their own facilities and events. To help employers prevent tragedy, this toolkit offers business advice, guidelines and policies aimed at keeping workplaces safe from employee violence. Learn prevention strategies, tips on identifying potentially violent workers, managerial advice on maintaining a safe workplace. It includes two sample anti-violence policies, adaptable for use in any company, plus checklists to use in case violence erupts.
14 Tips on Business Etiquette: Setting a professional tone with co-workers, clients and customers

For organizations and employees alike, recognizing the critical link between business protocol and profit is key to your success. Learn how to confidently interact with colleagues in ways that make you and your whole organization shine. Discover best practices on making proper introductions; cubicle etiquette; “casual dress” rules; handshake protocol; guest etiquette; workplace behavior faux pas; business dining etiquette, office wedding invites and other co-worker special occasions; business letter and email protocol—and even how your office decorations may affect your professional image.

www.businessmanagementdaily.com/BusinessEtiquette101

12 Ways to Optimize Your Employee Benefits Program: Low-cost employee incentives, recognition programs and employee rewards

If you’ve had to cut pay and staff and now expect more from those who remain, it’s vital to revamp your employee recognition and rewards program. Employers can double their rewards and recognition efforts in innovative, cost-efficient ways with employee-of-the-month awards, employee incentive pay, employee appreciation luncheons, more time off, shopping sprees, wellness incentive contests, plus employee rewards customized to motivate Millennials, Gen Xers, Baby Boomers and the Matures. Now is the time to get clever with your employee recognition programs. This report shows you how with great ideas offered up from our Business Management Daily readers.

www.businessmanagementdaily.com/EmployeeBenefitsProgram

The Case in Point Yearbook: Real-Life Employment Law Advice ... from Mindy Chapman’s Case in Point blog

Mindy Chapman, Esq., has been providing sound employment law advice in her Case in Point blog since 2007. In her trademark entertaining style, she dissects an important employment law court ruling and provides essential employment law advice via three “Lessons Learned.” Topics include: ADA guidelines, age discrimination cases, sexual harassment laws, EEOC cases, FMLA requirements and more.

www.businessmanagementdaily.com/CIPYearbook

The Bully Boss Strikes Again! How to deal with bosses who make crazy requests

And you thought your boss was unreasonable? Bet he never asked you to perform oral surgery or fill in for the bomb squad. Talk about “other duties as assigned!” Even if your direct supervisor swamps you with petty tasks and doesn’t appreciate all you do, you can always “manage up” to make sure the boss’s boss knows your worth. This report includes practical advice on how to manage a toxic boss along with dozens of outrageous stories about bully bosses.

http://www.businessmanagementdaily.com/BullyBoss
Microsoft Email: Outlook Tips & Training: How to improve productivity by effectively employing under-used features already at your fingertips

We all use Outlook. It’s easy. You can answer email, keep your appointments and your calendar, and save your files in various folders. But are you using it to manage your entire workflow? You can. Melissa P. Esquibel combines her 25+ years of experience in information technology with a background in training, technical writing and business risk analysis to move beyond email and help you understand Outlook’s amazing workflow benefits. You’ll discover how to get more out of Outlook than you ever dreamed possible with this hands-on road map to Outlook that can send your productivity skyrocketing.

http://www.businessmanagementdaily.com/MicrosoftEmailOutlook

17 Team Building Ideas: The team building kit for managers with team building exercises, activities and games to build winning teams today!

With employees still reeling from workplace budget cuts, now’s a great time for new team building ideas. No, you don’t need an expensive round of paintball to gain the benefits of team building exercises, but you do need to squeeze the most out of them. This report provides teamwork examples, exercises and tips for leading winning teams. Go from being a manager who oversees people to a leader who molds them into winning teams with these 17 team building ideas.

www.businessmanagementdaily.com/TeamBuildingIdeas

10 Time Management Tips: A how-to guide on efficiently managing your time through effective delegating, calendar management and using productivity tools

In this era of downsizing and the quest for efficiency, businesses of all sizes are asking employees to take on extra tasks to boost productivity. Has your job turned into one of those “stretch jobs”? If so, you may be looking for a better way to get more done in less time, reduce stress and stop burning the midnight oil. Read about calendar management, keyboard shortcuts, running productive meetings, setting up agenda templates and using tech tools for project management with these 10 time management tips. Learn to prioritize your tasks and stop working in a crisis mode all the time.

www.businessmanagementdaily.com/TimeManagementTips
About Business Management Daily

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At Business Management Daily, we’re driven to help organizations and individuals succeed. That’s why we deliver plain-English, actionable advice to high-performers at over 80,000 companies of all sizes across hundreds of different industries.

Our Free Email Newsletters, Print Newsletters, Free Special Reports and Webinars, Podcasts, Audio Conferences & CDs help provide business professionals with the news, skills and strategies they need to grow their business, avoid legal pitfalls and advance their careers.

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