

REGISTRATION FORM

YES! I want to master FLSA to better protect my company from compliance missteps and build a valuable skill set. Please save my seat at **Wage & Hour Master Class: The Advanced Interactive Workshop for Virginia Employers** for just \$327. If I am dissatisfied I am entitled to a complete refund of my registration fee. I understand that additional registrants from my company can attend for \$100 off, just \$227 each. Richmond Alexandria

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• A \$50 processing fee applies to ALL conference cancellations.
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• An alternate may attend in place of the original registrant.

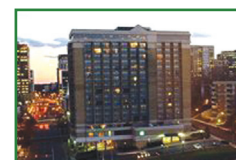
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TUESDAY, MAY 20, 2008
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(804) 359-9441



THURSDAY, MAY 29, 2008
Holiday Inn Rosslyn
1900 North Fort Myer Drive
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VIRGINIA EMPLOYMENT LAW LETTER PRESENTS

WAGE & HOUR MASTER CLASS

The Advanced Interactive Workshop for Virginia Employers



John J. Rigby



Zachary A. Kitts

John J. Rigby,
McInroy & Rigby LLP
Zachary A. Kitts,
Cook & Kitts PLLC

The Wage & Hour Master Class for Virginia Employers features:

Lively Give and Take.

Unlike some seminars, you're encouraged to ask questions, present your own situations for discussion, and interact with both the speakers and your colleagues.

Quality Presenters.

Your speakers are Virginia employment law attorneys with years of experience advising employers and litigating overtime matters.

Top-Level Issues.

No beginners course, this one-day program tackles the very latest, most confusing, most complicated wage & hour situations and gives you a clear road map to consistently executing professional and confident administration of the law.

Satisfaction Guarantee.

You're entitled to a complete refund if you're in any way less than delighted by this program. It's a promise we've kept for over 30 years.

VIRGINIA EMPLOYMENT LAW LETTER PRESENTS

WAGE & HOUR MASTER CLASS

The Advanced Interactive Workshop for Virginia Employers



Critical Developments Mandate Changes to Wage & Hour Policies

- Who is, and who isn't, covered by the main exemptions to the **Fair Labor Standards Act**
- Which workplace activities are and are not compensable, in light of recent court decisions
- Overtime avoidance techniques that work—and those that backfire
- How to handle bonuses, commissions, and tips
- Areas of special interest to federal and state labor department watchdogs during payroll audits
- Why **FLSA** retaliation lawsuits are exploding, and what you can do to steer clear
- And much more. Full details inside.

Sometimes it's a large figure, like when Family Dollar was penalized \$33.2 million for classifying their store managers as exempt. And sometimes it's a smaller amount, such as when a construction company paid \$495,000 for setting up bogus subcontracting arrangements to avoid paying overtime.

The Labor Department's Wage and Hour Division set a new record in 2007, helping over 341,000 employees recover more than \$220 million in back wages — a 28% increase over 2006. What's more, the agency performed 30,467 compliance actions and assessed over \$10.3 million in penalties. Eye-popping numbers like these point to one undeniable reality... federal watchdogs are ramping up wage and hour enforcement like never before.

You CAN be the pay policy expert at your organization, the one management turns to for accurate and justifiable decision-making advice. How? Invest just one day in learning all the latest rules for complying with complex payroll and overtime laws. You'll acquire the advanced expertise needed to make the right call every time when you attend this satisfaction-guaranteed event.

Choose from 2 convenient locations:

Richmond: Tuesday, May 20, 2008

Alexandria: Thursday, May 29, 2008

Presenters: **John J. Rigby,** McInroy & Rigby LLP
Zachary A. Kitts, Cook & Kitts PLLC

Call 800-274-6774 to register.



Approved for 6.25 hours

CLE credit pending

Master Payroll and Overtime Compliance in Just One Day with This All-New Program Created Just for Virginia Employers and HR Management

It's been over three years since the U.S. Department of Labor finalized its major overhaul of FLSA regs. Three years of confusion, noncompliance, lawsuits, and bad publicity. From the largest employer to the smallest operation, wage and hour issues have remained front and center at Virginia workplaces.

Now, from the editor and publisher of *Virginia Employment Law Letter*, comes the fast, cost-effective and engaging solution: **Wage & Hour Master Class: The Advanced Interactive Workshop for Virginia Employers.**

Program Date & Location

Tuesday, May 20, 2008

Holiday Inn Richmond Central
3207 North Blvd.
Richmond, VA 23230
(804) 359-9441

Thursday, May 29, 2008

Holiday Inn Rosslyn
1900 North Fort Myer Drive
Arlington, VA 22209
(703) 807-2000

Conference Fees

Only \$327 per person,
\$227 for each additional
person from your organization.

Conference Details

Continental breakfast and registration begin at 7:30 a.m. The program begins at 8:30 a.m. and concludes at 4:30 p.m. There will be morning and afternoon breaks and registrants will be on their own for lunch.

Sponsored By

M. Lee Smith Publishers LLC, publisher of *Virginia Employment Law Letter* and *Federal Employment Law Insider*.



Unlike lesser imitators, our **Wage & Hour Master Class: The Advanced Interactive Workshop for Virginia Employers** is researched, developed, and presented by Virginia authorities on wage and hour. This isn't a cookie-cutter, one-size-fits-all program thrown together by some barnstorming "expert" who'll be three states away before you realize you learned nothing. This is valuable, in-state guidance from trained and highly respected attorneys who practice right here in Virginia.

AGENDA

Attend this fast-paced one-day event and gain the knowledge and confidence you need to determine overtime eligibility, set payroll policy, and make wage-and-hour decisions. You'll help protect your company against the growing scourge of lawsuits. And you'll be armed to successfully defend your recommendations and policies to employees, management, and the enforcement community. All within the letter and the spirit of both federal and Virginia law.

This power-packed program kicks off at 8:30 a.m. and concludes at 4:30 p.m. Built into the schedule are morning and afternoon breaks and a lunch break.

Why the FLSA Is the Most Dangerous Claim for Employers

- Enforcement trends at the U.S. Department of Labor, including eye-popping figures on violation rates
- How to think like an employee—and an employee's lawyer—when conducting internal policy audits
- Collective action lawsuits—how to avoid the threat of a devastating legal battle
- How claims are enforced by DOL—who'll come knocking, and what your rights are
- Limitations periods that can save the day
- Damages—how to avoid the "double down" of double damages
- Individual liability for owners and HR managers—yes, you can be personally "on the hook" for damages and awards for overtime violations

Pay or No Pay?

You learn how to manage compensation for nine activities that have recently faced court challenges:

- Travel time
- Volunteer activities
- On-call time
- Time spent waiting, changing, performing activities related to work
- Training, meetings, and company functions
- Breaks and rest periods

- Meal time
- Sleep time
- Medical exams

Can You Beat the Clock?

Employers try all kinds of things to avoid overtime liability. Some of them work. Some of them backfire. You'll learn when to walk away from "loopholes" that will probably ensnare you.

- Comp time and averaging
- Unauthorized time—good policies to prevent unauthorized overtime
- "Belo" and fixed-salary contracts—when they can work to your advantage, and when to stay away
- Managing within fluctuating workweeks
- Overtime laws that affect piece-rate pay systems

Bad Math

Can your bad calculations cause problems to worsen? You bet. You'll learn how the following factors figure into employees' overtime pay:

- Bonuses
- Commissions
- Paid leave
- Tips
- Payroll deductions for tools, uniforms, and other items
- Outside sales

FairPay Three Times the Problems

The new FairPay regulations on exemptions are three years old. You'll learn what's changed and how your policies should also change to reflect the new reality.

- White collar exemptions: What can you do now to make an employee exempt or nonexempt? Learn how judges and the many DOL opinion letters have changed your compliance requirements.
- Overtime as it applies to "highly paid employees," computer professionals, and outside sales staff

Oops!

What do you do if you've messed up and incorrectly classified employees as exempt or nonexempt? How far should you go back, to keep the matter away from a jury? We'll look at how to do the right thing and avoid a lawsuit.

Double Oops!

Retaliation claims under the FLSA: Why is this area growing?

- Retaliation for filing an FLSA claim
- Retaliation for whistleblowing by nonclaimants

The Other DOL

State wage laws and the regulators who enforce them.

- Required pay periods
- Final paychecks—What are the rules on holdbacks and deductions if the employee owes you money or property, and how do these rules differ for exempt and nonexempt employees?
- Equal pay laws
- Meals & break periods
- Employing minors: special rules
- Jury duty, appearing as a witness

Sitting on the Dock of the Pay

- How to dock an exempt employee's pay
- Combining sick leave hours and vacation hours to cover an 8-hour absence
- What deductions can't you make from an exempt employee's pay?
- Can you withhold pay from a nonexempt employee who fails to turn in a time sheet?
- Can you dock an hourly employee's pay for inadvertent damage to company property?

Final Takeaways

- Policies: What the FairPay regulations say you need to review, revise, revisit
- What records to keep, and for how long
- Importance of job descriptions and performance evaluations
- Internal audits—what to look for—a checklist
- Preparing for a DOL audit—should you resist? How?



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Dear Virginia Employer:

Recently, a jury took only 2 hours to find Family Dollar guilty of overtime violations. They slammed the retailer with a \$16 million penalty... which the judge then doubled. With payouts like this becoming more and more common, it's no wonder overtime lawsuits are the most commonly filed claims. But the threat isn't just from plaintiff's attorneys.

Last year, the Department of Labor's Wage and Hour Division collected over \$163 million for employees who were unjustly or mistakenly denied overtime pay. How did they do it? By initiating over 30,000 compliance actions. Obviously, the 2004 FairPay regulations are confusing more than a few employers!

As a matter of fact, the Division's own investigation last year revealed that *only half* of American employers are in compliance with FairPay. It's only a matter of time before the agency's watchdogs—or plaintiff's attorneys—turn those violations into some very expensive headaches for even more HR managers.

That's why it makes so much sense to spend just one day learning all the very latest overtime hotspots and strategies from an authoritative in-state source. Sign up for **Wage & Hour Master Class: The Advanced Interactive Workshop for Virginia Employers**. When you do, you'll come away armed to handle all kinds of overtime questions, like:

Scenario 1: You want to set up a committee to facilitate communication between salaried and hourly employees. The committee meets at the end of the day shift, one day per month and participation is voluntary. Do you have to pay overtime to the hourly workers who attend?

Scenario 2: You have a policy that states that an exempt employee must work for at least 30 days before getting paid for observed holidays. What should you do when the office is closed an additional day?

Scenario 3: An exempt employee works less than 4 hours in a day. Will charging her PTO account for anything less than 1 full day jeopardize her status, or is charging 1/2 day all right as long as you communicate this policy clearly to exempt staff?

The Fair Labor Standards Act's regulations are highly complex, and you'll pay a painful penalty for violations. Don't risk it! Mark your calendar for just one day out of the office to help protect yourself and your company. I look forward to seeing you there.

Dan Oswald

Dan Oswald
President & Publisher
Virginia Employment Law Letter and
Federal Employment Law Insider.