

Employment Law Update

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Employment Auditor's Notepad

DEALING WITH THE AFTERMATH OF WORKFORCE REDUCTIONS

In recent employment audits, we have found companies are getting too creative in reducing employee hours while maintaining hours open to the public. Some practices are acceptable – changing employee lunch breaks from a half-hour to one hour. Certain practices will subject the company to liability – changing employee lunch breaks to more than one hour. Employees who are forced to take lengthy unpaid lunch breaks are entitled to an extra hour of pay at minimum wage for working a split-shift. Make sure you are aware of how your policy changes impact your compliance with the law.

Fleming PC regularly conducts employment compliance audits for companies of all sizes. Is your company in compliance? Contact us...

Administrative Agency Update

NO OVERTIME FOR 9 WORKDAY SCHEDULE OKAY UNDER FLSA

The Wage and Hour division of the Department of Labor recently issued an opinion letter permitting employers to schedule their employees to work 9 days in a two-week period, without paying overtime.

The proposed schedule divides Fridays in two parts and assigns each part of Friday to a different workweek. The workweek begins Friday at 11:31 a.m. and ends the next Friday at 11:30 a.m. This allows the company to schedule employees to work 9 hours per day Monday through Thursday of each week, and take every other Friday off.

Even though this results in employees working 44 hours in a calendar week, the Department approved the practice stating that an employer is free to define a workweek that does not coincide with a calendar week, so long as the workweek is a fixed and recurring 168-hour period.

It remains to be seen whether California state wage and hour laws will be interpreted in the same manner.

Fleming PC can guide you through the changing and employee-friendly wage and hour regulations.

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BUSINESS BOOMING AT THE EEOC

The Equal Employment Opportunity Commission (EEOC), the federal agency charged with enforcing compliance with federal anti-discrimination laws, reported in its fiscal year 2008 report that it received a record-high 95,402 private sector discrimination charges. This is a 15% increase over fiscal year 2007 filings with the agency. An increase occurred in every major category of charges – race discrimination, sex discrimination, sexual harassment, retaliation, among others.

During fiscal year 2008, the EEOC obtained approximately \$376 million in monetary relief for thousands of victims of discrimination.

Fleming PC handles employment matters pending before administrative agencies, arbitration, and state courts or federal courts.

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