

CONSULT | HR monthly update

partners

LEGAL | UPDATE

Business Growth Without the Legal Risks

In his article "[5 compliance mistakes you may not know you're making](#)," Keith Missler identifies the following mistakes that companies often make:

1. Classifying employees incorrectly
2. Not handling hiring paperwork properly
3. Ignoring safety regulations
4. Failing to stay compliant during rapid growth
5. Not keeping current

If you are looking for an expert to be an extension of your team, Consult HR Partners (CHRP) has the expertise to provide comprehensive compliance advice in all areas of Human Resources.

As part of our value-added services, CHRP has entered into a strategic partnership with Insperity, a reputable human capital company, to provide small to mid-size businesses access to a fully outsourced HR model. In other words, a company can shift the burden of HR to Insperity to perform the administrative and operational tasks that are costly and high risk to manage in-house.

Insperity can provide real-time resources for navigating complex laws and regulations that cause the costly compliance mistakes listed above.

A few key questions to consider are the following:

- Do you need insight into what

Legal Risk continued page 2

LEADERSHIP | UPDATE

One Million More Americans Eligible for Overtime Pay?

By Randy Stollar

On March 7, 2019, the U.S. Department of Labor (DOL) issued a Notice of Proposed Rulemaking (NPRM) that could make over one million more Americans eligible for overtime, resulting in big cost increases for many employers.

The Fair Labor Standards Act (FLSA) defines the types of employees who are exempt from being able to earn overtime pay. Although the FLSA exemptions include a minimum salary level threshold, a highly compensated employee (HCE) salary requirement, and rules around executive, professional, administrative, and outside sales employees, the recent NPRM proposes to change only the minimum salary threshold and HCE requirements:

- Currently, employees may be considered exempt if they earn more than \$455 per week (\$23,600 per year); the new proposal will raise the salary level threshold to \$679 per week (\$35,308 per year); above these salary levels, eligibility for overtime varies based on job duties
- Under the current FLSA requirement, an HCE must earn the total annual compensation of at least \$100,000; the new level would be enforced at \$147,414 per year

The DOL is currently seeking public comment before defining a final rule. Once this 60-day comment period elapses, it's expected to take several months before possible implementation in the latter half of this year, and most likely there will be litigation activity before final rules are published.

It's important for smaller businesses to note that although the FLSA applies only to employers whose annual sales total \$500,000 or more or who are engaged in interstate commerce, the reality is, with few exceptions, nearly all employers currently need to comply with its regulations. Courts have broadly interpreted "interstate commerce" as use of the U.S. mail, company telephones, and computers for interstate business correspondence.

Additionally, the FLSA covers only employees and not independent contractors (self-employed workers who typically are hired to work on specific projects), but it broadly interprets employee status so that as

FLSA continued on page 2

Legal Risk continued from page 1

constitutes an exempt or non-exempt employee, especially with the changing face of FLSA we discussed in our featured article?

- Do you need new and improved technology backed by HR professionals to manage a growing workforce?
- Are you ready to offer your employees health benefits?

Please contact a CHRP consultant so that we can evaluate the type of HR support model that will work best for your business.

FLSA continued from page 1

many workers as possible are covered by the law. Recently, courts have been aggressively finding workers to be employees rather than independent contractors.

So, what does all of this mean to employers?

For many companies, the new salary threshold will result in more employees who qualify for overtime in the near future. There are several pro-active steps for ensuring your company is ready for this significant and potentially costly change: review employee salaries and exemption classifications to confirm compliance with current FLSA rules regarding pay and duties; identify those employees who will be newly eligible under the DOL proposal; develop schedules that do not incur overtime hours; review your workforce plan to identify opportunities for hiring or reducing staff; and, build labor budgets accordingly.

Consult HR Partners can support you as your organization prepares for this change; we provide FLSA audit services, compensation reviews, and insightful and sustainable solutions to the broader, ever-changing workplace landscape.

For more information on how Consult HR Partners can provide operational HR support or strategic outsourcing solutions to grow or sustain your business, please call 702-358-3603, email: info@consulthrpartners.com, visit <https://consulthrpartners.com/>.

COMMUNITY | SPOTLIGHT

PROJECT 150

Consult HR Partners is proud to support the local Las Vegas community

What is Project 150?

- Project 150 is a 501(c)(3) non-profit charitable organization benefiting homeless, displaced, or disadvantaged high school students. Project 150 partners with Clark County School District (CCSD) to serve more than 6,000 students in Clark County who wouldn't otherwise have access to food, clothing, or school supplies. More than 3,100 of these students are not registered as homeless, and may not want to be recognized out of embarrassment or shame, so they've become good at blending in.

What is the main focus of Project 150?

- Project 150 is focused on providing breakfast and lunch items to students to help them get through their day in school. They also provide clothing and hygiene essentials through Betty's Boutique, located on-property at Project 150 and open Tuesday-Friday from 1:30PM-4:30PM for students with valid ID.

How can companies get involved with Project 150?

- The greatest donation needs include the following items, as approved by CCSD: Cup of Noodles, instant oatmeal, tuna and chicken snack kits with crackers, and granola bars. Project 150 also hosts holiday meal drives for pre-cooked hams and turkeys, as well as canned and boxed items.
- Volunteer opportunities are available to help assemble meal boxes, as Project 150 completes thousands of boxes at a time. Contact Stacy Chapter at stacychapter@project150.org for more information about volunteering.
- Visit <https://www.project150.org/> for more information about the organization and getting involved.

Did you know...

- *Patrick Spargur and Don Purdue originally co-founded Project 150 to provide 150 homeless students at Rancho High School with holiday meals.*
- *Approximately 150 students PER WEEK will receive meals through Project 150.*
- *If your company participates in workplace giving, employees can designate Project 150 as their charity of choice.*

