

Exempt or Non-Exempt? It's More Than a Salary Threshold

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Compliance **HR**

Today's Webinar Presenter

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Why Review Positions Now?

Recent Salary Threshold Developments

- 2016 – The DOL attempted to raise the salary basis threshold from \$455/week(\$23,660 per year) to \$913/week(\$47,476 per year). A federal judge in Texas enjoined the new overtime rule on a nationwide basis, declaring it “unlawful.”
- 2020 – New and current threshold - \$684/week(\$35,568 per year). The increase was the first in 15 years
- FLSA: Forthcoming Proposed Overtime Rule (May 2023). It is always best to be proactive.

Current Minimum Salaries

Jurisdiction	Weekly Salary Requirement	Calculated Annual Salary
Federal	\$684.00	\$35,568.00
Alaska	\$868.00	\$45,136.00
California	\$1,240	\$64,480.00
Colorado	\$961.54	\$50,000.08
Maine	\$796.1539	\$41,4000.08
New York (Administrative)	If employees perform any work in New York City, Nassau, Suffolk or Westchester: \$1,125.00	\$58,500.00
	Other: \$1,064.25	\$55,341
Washington	50 or fewer employees: \$1,101.80	\$57,293.60
	More than 50 employees: \$1,259.20	\$65,478.40

Understanding the “Duties Test”

Do You Use These Words in Your Job Descriptions?

Reviews	Prepares
Creates	Maintains
Calculates	Manages
Handling	Directing
Oversees	Supports
Leads	Conducts
Determines	Performs
Plans	Coordinates

- Primary duties require use of advanced knowledge or skills
- Little direct supervision
- Has authority/ability to make recommendations

The Cost of Inaccurate Exemption Statuses



CIBC to pay out \$153 million for unpaid overtime
Jan 5, 2023

Inglewood Car Wash Fined More Than \$900k for Wage Theft Violations
Nov 29, 2022

US Department of Labor Resolves Wage Violations, West Hartford Moving, Storage Company Pays \$41k to 22 Employees
Jan 4, 2023

Bank of America overtime \$425k collective action settlement
Nov 15, 2022



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Hours

Did You Know...



- 2500+ Federal and state statutes, regulations and cases on exempt/non-exempt
- Attorneys must read every case to identify the job duties performed by the employees discussed in the case, and whether the court found the employee exempt or non-exempt

Who We Are



- Artificial Intelligence
- Infrastructure enterprise

- Subject matter expertise
- Knowledge management team
- Case databases

What we do:
Deliver expert guidance in a fraction of time and cost as traditional methods

Simplify the Complexity of Employment Law



PolicySmart™

Create and maintain an up-to-date and legally compliant employee handbook



Navigator Independent Contractor

Remove risk in determining Independent Contractor status



Navigator Overtime

Determine if an employee is exempt or non-exempt



The Reference Center

A Comprehensive Solution for Employment Law and Common HR Compliance Questions



Navigator Onboarding

Assemble and produce legally compliant onboarding documents



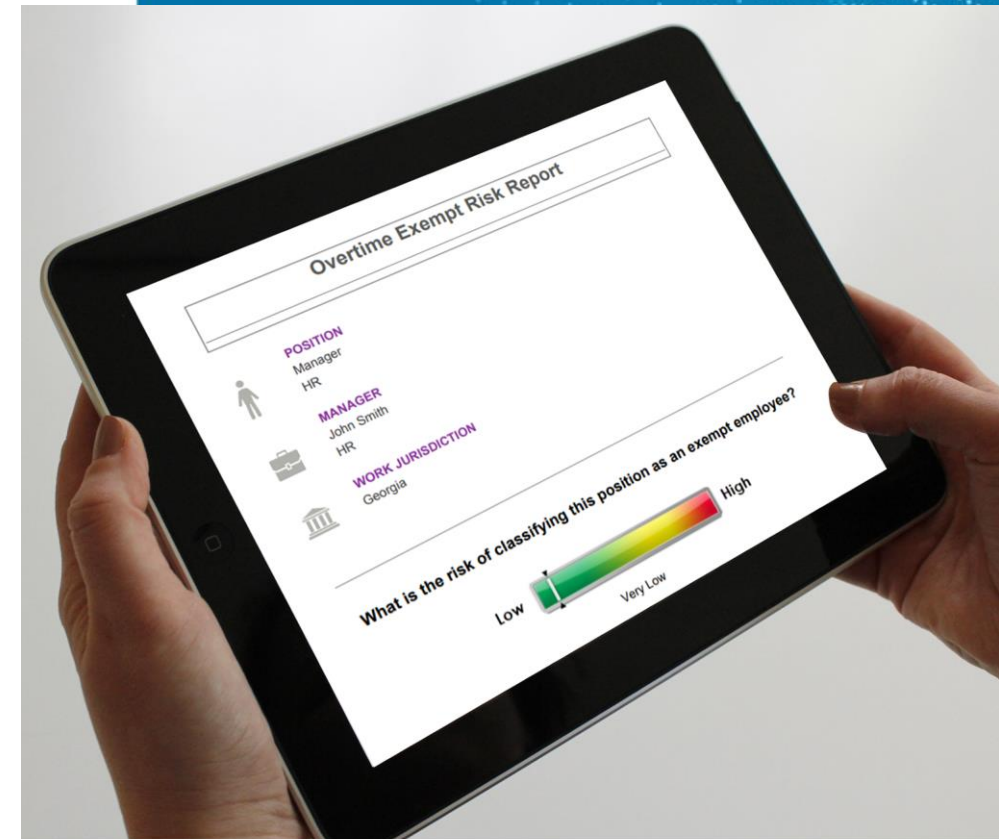
Navigator Leave

Reduce the risk and administrative burden of leave management

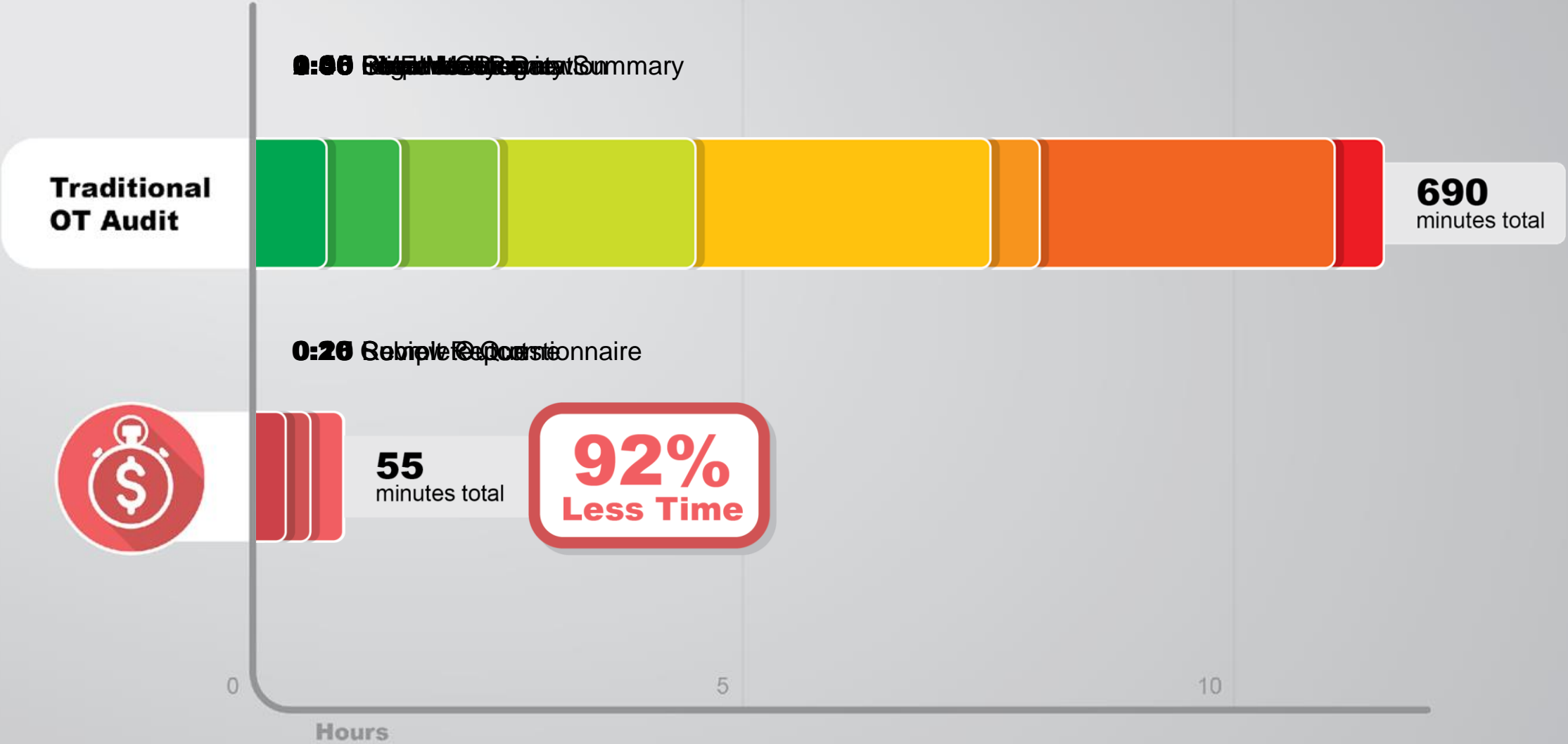


Navigator OT

- Determines employee as exempt or non-exempt
- Applies all applicable federal and state tests
- Draws from a proprietary engine of 2,500+ reported court decisions and DOL opinion letters
- Delivers reasoned suggestions on how to lower the risk of misclassification
- Provides the risk result, a summary of relevant federal and state exemption standards, and a transcript of answers



Simplifying the Audit Process



0:06 Significance Report Summary

**Traditional
OT Audit**

690
minutes total

0:26 Simple Report



55
minutes total

92%
Less Time

0

5

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Hours

Thank you!

To register for a demonstration of the Navigator Suite, please email demo@compliancehr.com or submit the form on our website: [Compliancehr.com/webinar-demo](https://compliancehr.com/webinar-demo)

Questions?

Please add any additional questions to the Q&A box

Breaking Down the Duties By Category

Business
Operations

Management of
Employees

Sales and
Customer
Relations

Representing the
Company

Computer Systems
and Other
Equipment

Other Job Duties