Attorney Offers Locals Advice on New Overtime Pay Rules

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In the article, "Attorney Offers Locals Advice on New Overtime Pay Rules," featured in *Houma Today*, Partner Ed Harold offered local employers advice on how to ensure they are in compliance with the new overtime pay rules set to take effect Dec. 1.

Ed Harold said lawsuits are seeking to block the changes, but there is little chance they will be stopped before the new rules take effect.

Speaking Tuesday to the South Central Industrial Association in Houma, Ed said these types of lawsuits -- some of which seek back wages for unpaid overtime -- are a hot topic in the oil industry at the moment.

The rule more than doubles the amount a salaried employee must be paid to be exempt from $455 a week, or about $24,000 a year, to $913 a week, or more than $47,000 a year.

Being a salaried employee alone does not exempt an employee from overtime, even under current rules. Exemptions now apply to executive, administrative and professional positions. There are additional exemptions for computer employees and highly compensated employees.

"They must perform certain kinds of work. You cannot simply pay somebody a salary to avoid paying them overtime even if they are someone who works in an office. For example, a legal secretary, they do not have the type of duties that would exempt them from overtime, ...even if you paid them $100,000," Ed said.

"You could have two employees doing the same job with the same job description but because one has authority to write checks of up to $25,000 and the other one's authority is limited to $250 in that particular position, one may be exempt when the other one is not," Ed said.

He suggested that employers keep track of all employees' hours, regardless if they are exempt, to limit liability should a lawsuit arise.

To read the full article, please visit *Houma Today*.

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