



Take Stock of Employee Classification for Smooth Year Ahead

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Mason Alexander's article "Take Stock of Employee Classification for Smooth Year Ahead" was featured in the January issue of *The Retailer*.

Being paid a salary and being titled a manager does not make an employee exempt. In a retail environment, it is very difficult to persuade the USDOL that an assistant manager is really exempt. It will depend on the specific duties the assistant manager actually performs, as well as the authority and independent judgment he or she actually exercises. All may look well on paper, but more important is what that assistant manager is actually doing at work. And often that involves performing work that is clearly not exempt work.

In the article, Mason provides employers with some steps to protect themselves and ensure appropriate compensation for their employees when implementing employee exemptions.

- Conduct an internal review of your exempt employees.
- Fully justify every exemption. If some cannot be justified, then begin paying overtime to those whose exemptions cannot be justified.
- Create clear job descriptions and procedures for exempt positions. Include the evaluation of tasks in light of their primary purpose given an employer's "realistic expectations."
- Ensure that the non-exempt tasks do not comprise a majority of the manager's work time.
- Keep it individual. The criteria for exemptions should be applied on an employee-by-employee basis.

To read the full article, please visit *The Retailer*.