

WAGE AND HOUR SERVICES

WAGE AND HOUR COMPLIANCE IS INTEGRAL TO THE SUCCESS OF NEW YORK EMPLOYERS. Federal and state departments of labor, along with enforcement agencies, are increasing their investigations of employers who fail to comply with wage and hour laws. There have been several recent legal developments in this area, such as amendments to the New York Wage Theft Prevention Act, the gradual elimination of the tip credit and other allowances, and the narrowing of overtime exemptions under the Federal Labor Standards Act (“FLSA”).

The failure to comply with wage and hour laws exposes employers to significant financial liability through lawsuits by employees and government investigations. In light of these recent legal developments, it is critical that employers understand and comply with wage and hour laws, which are complex and difficult to navigate.

BEST PRACTICES

Berdon LLP will help you in your effort to develop an infrastructure to ensure compliance in this complex legal and regulatory environment. Berdon LLP works alongside legal counsel to establish workplace rules that effectively ensure compliance with wage and hour laws. Our team can advise on the following best practices:

- Workforce classification (e.g., separating employees from contractors, exempt from non-exempt employees); and
- Creating and implementing written policies and wage and hour protocol to strengthen personnel management and internal controls.

PAYROLL AUDIT PROTOCOL

Effective wage and hour compliance should be proactive, not reactive. Berdon LLP understands that a periodic payroll audit protocol is an essential tool in assessing the managerial and workforce control of an organization. We devise a comprehensive program tailored to your unique business needs through payroll audits, in accordance with applicable laws and regulations, and wage orders.

CONDUCTING INVESTIGATIONS

When the need for an investigation arises (generally in face of employee complaints, regulatory agency investigations or wage and hour lawsuits), we, along with legal counsel, develop a plan setting forth the process, procedure, and scope of the work for the investigation. The investigation process is a team-oriented approach. It is essential that your investigative team, accountants, and legal counsel are on the same page to help identify and minimize any liabilities. We advise on the following areas:

- Identifying financial exposure from potential wage and hour claim(s);
- Assessing internal controls and recommending improvements to ensure compliance and limit liability; and
- Review, assess and reconstructing books and records (if necessary) for purpose of responding to employee complaints or defending and resolving government investigations or private lawsuits.

If you would like additional information, please contact your Berdon advisor or Paul Ribaudo at 212.331.7447 | pribaudo@BERDONLLP.com.