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## Working on Overtime: What Will New FLSA Rules Mean for Employers?

Webinar #072215-NE

### DATE AND TIME

July 22, 2015

1:30 p.m. - 3:00 p.m. CT

### OVERVIEW

**Nearly every employer in the nation will be affected by the U.S. Department of Labor's (DOL) proposed revisions of the Fair Labor Standards Act (FLSA) overtime exemptions.** Their impact will touch not only how employers classify their exempt and non-exempt employees, but also organizations' bottom line profits. Employee claims for unpaid overtime continue to be the most significant employment liability risk for employers. The revised overtime regulations coming out of Washington will mean even more liability and confusion for employers across the country. With these being some of the most significant changes to the workforce in nearly 50 years, this education will be of vital importance to hospitals.

This webinar will be led by Tammy McCutchen, former DOL Wage and Hour Administrator. She is now an attorney at the Littler Workplace Policy Institute® in Washington, DC, but previously was the principal at DOL who drafted the FLSA while collar exemptions the last time overtime rules were revised in 2004. She will be joined in leading the webinar by Littler WPI Co-Chair and former Chairman of the Board of the Society of Human Resource Management (SHRM) National, Michael J. Lotito.

### TARGET AUDIENCE

CEOs, CFOs, COOs, additional C-Suite staff, HR professionals, and in-house counsel.

### OBJECTIVES

- Under DOL's revised rules, how might the salary test change?
- What will happen to the duties test?
- How will health care organizations be impacted? What should organization leaders do now?

### FACULTY

**Tammy D. McCutchen**

Former DOL Wage and Hour Administration  
Principal, Littler, Washington, DC

A former administrator of the wage and hour division at the U.S. Department of Labor, Tammy D. McCutchen is a leading authority on federal and state wage and hour laws who now represents and counsels management clients in connection with all types of labor and employment matters. She focuses her practice on:

- Compliance with the Fair Labor Standards Act and state wage-hour laws
- Conducting audits of overtime exemption classifications, non-exempt pay practices and independent contractor status
- Implementing compliance programs designed to avoid wage and hour disputes and lower potential litigation liabilities
- Representing employers being investigated by the DOL's Wage and Hour Division and similar state agencies.

She also regularly serves as a consulting or testifying expert witness in wage-hour collective and class actions. Additionally, Ms. McCutchen represents and counsels clients on:

- The Family and Medical Leave Act
- The Service Contract Act
- The Davis Bacon Act
- The Migrant and Seasonal Worker Protection Act
- Worker protections in federal immigration laws
- Reasonable accommodations under the Americans with Disabilities Act
- Federal and state discrimination laws
- Affirmative action and prevailing wage requirements for government contractors

She appears before state and federal courts, the Equal Employment Opportunity Commission, the DOL, and state agencies. A frequent speaker, she has lectured about wage and hour issues before trade associations, business organizations, and human resource groups. She is co-chair of the Littler Mendelson's Compliance Audit Services Practice Group and a core member of the Wage and Hour Practice Group. She also is the primary architect of the firm's AuditQB software tool for conducting employment compliance audits. While at the DOL from 2001 to 2004, Ms. McCutchen was responsible for enforcing, setting policy and preparing regulations for some of

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the country's most comprehensive labor laws, including:

- The Fair Labor Standards Act
- The Family and Medical Leave Act
- The Davis-Bacon Act
- The McNamara-O'Hara Service Contract Act
- The Medicare Secondary Payer Act

Ms. McCutchen received a B.A. from Western Illinois University, 1987, summa cum laude and a J.D. from Northwestern University School of Law, 1990, cum laude.

### Michael J. Lotito

Shareholder & Co-Chair – Littler Workplace Policy Institute® (WPI™)  
San Francisco, California

Michael J. Lotito is the co-chair of Littler's Workplace Policy Institute that provides advocacy services for clients, associations, and policy leaders on all workplace concerns. In addition, he practices all aspects of traditional labor relations, including matters arising under the National Labor Relations Act. He has extensive experience in advising clients how to combat the new technique of national and international corporate campaigns labor unions have used to increase their membership. He co-authored "Corporate Campaigns Globalize" for the Executive Counsel (August-September 2011). He spoke about the topic at the Association of Corporate Counsel 2011 Annual Conference.

Mr. Lotito is one of the nation's leading authorities on preventive strategies in the workplace. He has served as lead counsel for some of the country's largest corporations, helping them develop and implement business, legal, and preventive strategic solutions to labor and employment issues. He regularly assists clients in conducting internal and external vulnerability assessments to create stronger organizations which also help to pre-empt union organizing.

He advises organizations on all matters affecting the employer-employee relationship such as conflict resolution, alternate

dispute resolutions, and equal employment opportunity concerns. He has testified before the U.S. Senate and House of Representatives, as well as the Equal Employment Opportunity Commission. His testimony in July 2011 before the U.S. House Education and the Workforce Committee highlighted the need to eliminate rulemaking changes that would shorten the National Labor Relations Board election period. He has addressed other emerging workplace issues on behalf of a variety of trade associations submitting amicus briefs and extensive comments to proposed rules including those under the Labor Management Reporting and Disclosure Act (LMRDA).

A former Chair of the Society for Human Resource Management (SHRM), he is recognized with a lifetime Senior Professional in Human Resources (SPHR) certification. A noted speaker and presenter, Mr. Lotito addresses an extensive variety of management groups including boards of directors, company executives, managers and supervisors, and trade association representatives. He has trained literally thousands of managers and supervisors over the course of his career. He has spoken before a wide variety of audiences throughout the U.S. and world, including Germany, Taiwan, and South Africa. He is frequently quoted in the media in such publications as The Wall Street Journal, New York Times, Forbes, BusinessWeek, Washington Post, Boston Globe, Los Angeles Times, National Law Journal, Harvard Business Review, and major television and cable news programs. He has authored articles for many respected publications, including HR Magazine, Human Resources Executive, and ACC Docket, published by the Association of Corporate Counsel. His most recent thought leadership piece for the ACC Docket appeared in the April, 2012 edition which deals with the globalization of labor relations.

### PRICE

\$195 per connection.

Note: The fee is for one phone line with unlimited participants. For example, 10 employees can participate for only \$19.50 each!