



In a survey of the top 500 companies in the country, Schwarzberg Spector Duke & Rogers has been recognized by Corporate Counsel Magazine as a “Go-To Law Firm” for Employment Law in 2007. The magazine annually surveys general counsel at Fortune 500 companies to determine which law firms they turn to first to handle their legal affairs. The corporations’ responses form the basis for the magazine’s annual Directory of Go-To Law Firms. Schwarzberg Spector Duke & Rogers is honored and privileged to have received such recognition for our service to our clients and work in the field of employment law.



IN-HOUSE LAW DEPARTMENTS *At The* TOP 500 COMPANIES

EMPLOYMENT LAW

FLSA PITFALLS TO AVOID AND EFFECTIVE SOLUTIONS

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Losing a claim under the Fair Labor Standards Act may cost your company substantially, far beyond the actual amount of the employee’s claim. Under the FLSA, employees are entitled to recover the amount of unpaid overtime for two years (three years if a willful violation), an equal amount in liquidated damages, and their attorneys’ fees. Thus, even a “simple” matter involving one employee can become very costly for an employer. Other similarly-situated current and former employees may join in the litigation filed against the company.

Some of the more dangerous pitfalls faced by employees today in this area are:

- Mischaracterizing employees as exempt;
- Shaving employee hours to meet budget by rogue managers;
- Forcing employees to work through lunch and “off the clock”;
- Deducting sums from a departing employee’s final paycheck;
- Failing to pay employees for compensable travel or preparation time.



- Steps employers may take to minimize these pitfalls include;
- Conducting regular audits of exempt/non-exempt classification decisions;
 - Adopting and implementing clear policies governing overtime pay and timekeeping practices;
 - Training management and employees to assure compliance with these policies;
 - Maintaining accurate time and pay records;
 - Implementing an employee overtime hotline to quickly address employees’ claims prior to litigation; and
 - Aggressively pursuing early evaluation and resolution of appropriate overtime claims.

The law firm of Schwarzberg Spector Duke Schulz and Rogers focuses on the representation of employers in Florida and throughout the United States. The firm represents management in all types of employment matters, including overtime compensation litigation. The firm is located at 222 Lakeview Avenue, Suite 210, West Palm Beach, Florida 33401, (561) 659-3300. For more information, contact Steven Schwarzberg (steve@schwarzberglaw.com) or Christopher Duke (cduke@schwarzberglaw.com)