

# EVENTS

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## The Department of Labor's Plans to Expand Overtime Pay Eligibility and to Attack Misclassification of Employees as Independent Contractors

Bloomfield Hills, MI  
8.12.2015

### **The Department of Labor's Plans to Expand Overtime Pay Eligibility and to Attack Misclassification of Employees as Independent Contractors**

**Registration for this event is now closed. A second session will be held at a later date. Please check back on our events page for more details! You can direct any inquiries or questions about the second session to Charmese Wilson at [wilsonc@butzel.com](mailto:wilsonc@butzel.com).**

This breakfast briefing will address the DOL's Proposed Regulations Regarding Exempt Status and Guidance on Classification of Independent Contractors and will be of interest to general counsels, business owners, HR VPs and other HR executives.

#### **DOL Issues Proposed Regulations to Exempt Status:**

The United States Department of Labor has proposed a major revision of the regulations for the "white collar" exemptions – executive, administrative, and professional employees – from the Fair Labor Standards Act's overtime premium pay requirement. This proposed regulation, which will become effective sometime in 2016, will dramatically reduce the number of employees exempt from overtime payments, and extend the entitlement to overtime premium pay to an estimated 4.6 million workers who are now classified as "exempt." The proposed regulation will potentially affect all employers that have employees who are "exempt" under the "white collar" exemptions.

#### **During this portion of the presentation we will explain the proposed revised regulation and its effects on employers, including:**

- Why is the Department of Labor revising the regulations for the "white collar" exemptions?
- How will the proposed regulation change the "white collar" exemptions?
- What kinds of employees will be affected by the changes in the "white collar" exemptions?
- What actions should employers take in preparation for and in response to the proposed regulation?

## EVENTS

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### **DOL Narrows Independent Contractor Classification**

On July 15, 2015 the Department of Labor issued guidance that narrowed the definition of “independent contractor” so that many previously classified as independent contractors man now need to be properly classified as employees. This narrowing of the definition of “independent contractor” is due partly to the DOL deemphasizing the degree to which the business controls an individual’s work, and focusing instead on the economic realities test, which looks at whether the worker is economically dependent on the employer or in business.

### **At the briefing, we will discuss the following key issues:**

- What are the factors of the economic realities test?
- How should each of these factors be weighed or viewed?
- What occupations will these changes most likely affect?
- What actions should employers take to be in compliance?

### **Presenters:**

Rebecca Davies, Shareholder – Butzel Long

Gary Klotz, Shareholder – Butzel Long

### **Wednesday, August 12, 2015**

8:00 a.m. – Breakfast and Registration

8:30 – 10:00 a.m. – Presentation and Q&A

*Questions? Please contact Charmese Wilson at [wilsonc@butzel.com](mailto:wilsonc@butzel.com)*