

**BEST PRACTICES FOR AUDITING YOUR WORKFORCE AND CORRECTING MISCLASSIFICATIONS OF HOURLY  
(NON-EXEMPT) EMPLOYEES AS SALARIED (EXEMPT) &  
PREPARING EFFECTIVE JOB DESCRIPTIONS TO AVOID COSTLY LAWSUITS**

**Presented by Jane Kow, Principal and Founder of HR Law Consultants &  
Roberta Etcheverry, CEO, Diversified Management Group (DMG)**

**Thursday, November 1, 2012**

**9:00 a.m. – 4:30 p.m.**

**UC Berkeley Extension - Belmont Center**

**1301 Shoreway Road - 4<sup>th</sup> Floor, Belmont, CA 94002**



**9:00 a.m. – 9:30 a.m.: Registration**

**9:30 a.m. – 12:00 noon - Morning Session: "Auditing Your Workforce and Correcting Misclassifications of Hourly (Non-Exempt) Employees as Salaried (Exempt)," Presented by Jane Kow, Principal and Founder of HR Law Consultants**

Spurred by record unemployment and high profile cases netting huge settlements and damage awards in recent years, the number of lawsuits brought by employees who are misclassified as exempt (or salaried) have skyrocketed. This program will examine recent cases brought by employees who claimed they were misclassified, and thus entitled to unpaid wages for overtime, missed meal periods, missed rest periods, on-call time and reporting time, etc., resulting in millions of dollars in damages.

To help safeguard against costly mistakes of this kind, Jane Kow, an employment lawyer, HR Consultant and renowned speaker and trainer for nearly 20 years, will provide a set of criteria to help employers to determine which employees are exempt vs. non-exempt and which exemption employees may qualify for under federal and state wage and hour laws. Jane Kow will provide practical, step-by-step guidance on employee time tracking, employer recordkeeping, pay obligations and allowable deductions from paychecks of exempt vs. non-exempt employees for sick and vacation time taken, overtime worked, missed meal periods, rest periods, on-call time, reporting time, make-up time, training and travel time, and alternative work weeks (setting up work schedules of 4 workdays of 10 hours each).

Jane Kow will also provide a checklist of critical considerations and a set of best practices on how to conduct an effective internal company audit to determine whether employees have been misclassified and how to address to correct any misclassification errors after audit, which will help preserve confidentiality and minimize lawsuits.

**1:15 p.m. - 4:30 p.m. – Afternoon Session: "Preparing Effective Job Descriptions That Reflect Essential Job Functions and Time Spent Performing Exempt Duties To Determine Proper Classifications and Reasonable Accommodations," Presented by Roberta Etcheverry, CEO of Diversified Management Group (DMG)**

Roberta Etcheverry, a renowned workplace consultant and expert on crafting effective job descriptions will provide employers with the information, tools and resources needed to develop high quality, accurate and detailed job descriptions. She will demonstrate how to prepare job descriptions that accurately reflect employees' essential job functions, how much time is spent performing work of an exempt nature and the degree of independent judgment and discretion exercised in order to determine proper classification of workers.

Roberta Etcheverry will provide guidance on how to use job descriptions when recruiting, hiring, and evaluating employees. By presenting examples of which job duties would and would not qualify under each exempt category, she will teach you how to avoid common misclassification mistakes. Ultimately, a clearly written job description will help you make critical decisions about the employee's status when you are trying to determine if a worker is exempt or non-exempt from overtime laws and what kind of reasonable workplace accommodation, if any, you may need to provide for an employee with a disability.

**This interactive step-by-step training will review and provide complete handouts on:**

- Which employees are exempt under the Executive, Administrative, Licensed/Learned/Creative Professional, Computer Professional, and Outside Salespersons classifications under federal and CA laws
- Recent misclassification cases brought by employees that illustrate the pitfalls for unwary employers
- Tips for conducting internal audits of your workforce to ensure compliance with applicable laws
- How to develop job descriptions that accurately reflect essential job functions and time spent performing exempt duties to minimize the risk of liability under both wage & hour and workplace disability laws

## TRAINER/SPEAKER BIOGRAPHIES

### JANE KOW, Esq.

Jane Kow is the principal and founder of HR Law Consultants, an employment law and human resources consulting firm, which provides legal advice, consulting, and training on all aspects and phases of the employment relationship, from hiring to termination, with the aim of helping employers develop and implement sound personnel policies and practices to effectively reduce the risk of employment litigation. The firm services clients located all over California and those whose headquarters are overseas or out of state, but have regional operations based in California.

Jane Kow designs and provides customized employment law compliance training and consulting for clients on sexual harassment prevention, conducting effective workplace investigations, effectively documenting employee performance and misconduct issues, providing reasonable accommodations for employees with disabilities, compliance with the myriad of leave of absence laws and conducting wage and hour audits. She provides training and guidance to companies on how to conduct effective internal workplace investigations and wage and hour audits to avoid misclassification of employees.

Jane Kow received her B.S. at Cornell University in 1984 and her J.D. at New York University School of Law in 1993. Before starting her own law firm a decade ago, she practiced employment law with the country's premier law firms and as a Senior Counsel of a Silicon Valley based company with over 75 locations worldwide. She has advised and represented employers of all sizes and across industries in all phases of employment disputes and litigation. Notably, she was an early contributor to the California Practice Guide on Employment Litigation, published by the Rutter Group, widely used by judges and lawyers throughout California.

Jane Kow has taught "Employment Law" at the University of California at Berkeley Extension Program in Human Resources and "Legal Issues of Supervision" at San Jose State University. She draws on her experience as an employment law litigator and instructor of university courses designed for managers and human resources professionals in developing and customizing training programs for her clients. She is a frequent speaker at seminars and conferences sponsored by various human resources, disability, government, small business, non-profit, professional and trade organizations, and bar associations, including: CA Association of Equal Rights Professionals (CAERP), CA Association of Social Rehabilitation Agencies (CASRA), CA Consumer Employment Summit, Certified Employee Benefits Specialists (CEBS), Disability Management Employers Coalition (DMEC), Equal Employment Opportunity Commission (EEOC), HR Star Conference, Judicial Council of California, National Human Resources Association (NHRA), Northern California Human Resources Association (NCHRA), Silicon Valley Women in Human Resources, Lawyers Club of San Francisco, Bar Association of San Francisco, State Bar of California, and the American Bar Association.

### ROBERTA ETCHEVERRY, CPDM

Roberta Etcheverry is the Chief Executive Officer at DMG: Diversified Management Group, a statewide network of consultants providing training and assistance to employers on workplace ergonomics, job descriptions, essential job functions, and job accommodations for employees with injuries and disabilities. Ms. Etcheverry has over 20 years experience working with employers in a wide range of settings to review and prepare detailed job descriptions. She has extensive experience analyzing essential job functions and job qualifications as part of the job analysis process for wage and hour audits and workplace disability accommodations. She has analyzed jobs for employers including Kaiser Permanente, Whole Foods Market, Inc., Ghirardelli Chocolates, American Airlines, Pacific Gas & Electric, and many other public and private organizations.

Ms. Etcheverry frequently conducts training for both public and private employers on how to use federal and state guidelines to determine essential job functions, and has been a trainer for the EEOC annual educational conference. Ms. Etcheverry provides guidance to employers on how to craft job descriptions that can be used in phases of employment, including hiring, performance management, job accommodations, and proper classification of exempt and non-exempt employees.

Ms. Etcheverry attended West Point and Stanford University and is certified as a Professional in Disability Management (CPDM). Ms. Etcheverry was a key contributor in the development of the State of California Return to Work Guide (2010) in collaboration with the Commission on Health, Safety and Workers' Compensation and served as a moderator for a panel presentation on Return-to-Work at the International Forum on Disability Management in September 2010. She is an active member of the California Consortium Promoting Stay-at-Work/Return-to-Work ([www.CASAWRTW.org](http://www.CASAWRTW.org)), the Northern California Human Resources Association (NCHRA), Society for Human Resource Managers (SHRM), Public Agency Risk Management Association (PARMA), and Small Business California.

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Presented by Jane Kow, Principal and Founder of HR Law Consultants & Roberta Etcheverry, CEO, Diversified Management Group (DMG)



Thursday, November 1, 2012 - 9:00 a.m. – 4:30 p.m.  
UC Berkeley Extension - Belmont Center  
1301 Shoreway Road - 4<sup>th</sup> Floor, Belmont, CA 94002

**SCHEDULE**

9:00 a.m. – 9:30 a.m. Registration, Coffee, and Networking  
 9:30 a.m. – 12:00 noon Part I – *Auditing Your Workforce and Correcting Misclassifications of Hourly (Non-Exempt) Employees as Salaried (Exempt)*  
 12:00 noon – 1:15 p.m. Lunch (on your own)  
 1:15 p.m. – 4:30 p.m. Part II – *Preparing Effective Job Descriptions That Reflect Essential Job Functions and Time Spent Performing Exempt Duties To Determine Proper Classifications and Reasonable Accommodations*

**WHO SHOULD ATTEND:** Human resources professionals, EEO managers, employee and labor relations professionals, job developers, recruiters, and compensation specialists

**REGISTRATION & FEE:**

**Early bird discount rate – register by October 1, 2012:**

Full day (Part I and II): \$300  
 Half Day (Part I or II): \$150

**Registration received October 2, 2012 and later:**

Full day (Part I and II): \$350  
 Half Day (Part I or II): \$175

**Limited Seating – Register By October 1, 2012 To Save \$50!**

**10% DISCOUNT**

- For registration of 2 or more participants from one company.
- For attendees of past events sponsored by Jane Kow/Jane Kow & Associates or Roberta Etcheverry/DMG. Please indicate event attended: \_\_\_\_\_

**HRCI GENERAL CREDIT:**

- Part I: Auditing Your Workforce and Correcting Misclassifications of Hourly (Non-Exempt) Employees as Salaried (Exempt) - **Approved for 2.5 hours**
- Part II: Preparing Effective Job Descriptions That Reflect Essential Job Functions and Time Spent Performing Exempt Duties To Determine Proper Classifications and Reasonable Accommodations - **Approved for 3.5 hours**

**CONTACT US**

**Program content, exhibit and sponsorship opportunities:**  
 Jane Kow, Esq. | HR Law Consultants | Phone: (415) 567-0367  
 Email: JaneKow@HRLawConsultants.com; or  
 Roberta Etcheverry | DMG | Phone: (800) 746-4364 ext. 105  
 Email: RobertaE@DMG-at-work.com

**Registrations, directions and parking:**

Jennifer Perez Torre | HR Law Consultants | 750 Van Ness Avenue, Suite 1204, San Francisco, CA 94102  
 Phone: (415) 567-0367 | Fax: (415) 441-0366  
 Email: Jennifer@HRLawConsultants.com

**REGISTER**

Complete a separate form for each attendee and return along with registration fee. Confirmation will be sent upon receipt of payment. Bring copy of completed form as proof of registration.

- Full Day– *Parts I and II (morning and afternoon sessions)*
- Morning Session ONLY– *Part I: Auditing Your Workforce and Correcting Misclassifications of Hourly (Non-Exempt) Employees as Salaried (Exempt)*
- Afternoon Session ONLY– *Part II: Preparing Effective Job Descriptions that Reflect Essential Job Functions and Time Spent Performing Exempt Duties to Avoid Costly Lawsuits*

Name \_\_\_\_\_  
 Title \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State & Zip \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_  
 Email \_\_\_\_\_

- Check # \_\_\_\_\_ enclosed (payable to Jane Kow & Associates. Tax ID# 76-0721515)
- To pay by credit card, please provide an email address where a PayPal invoice can be sent.

**CANCELLATION POLICY**

- Full refund if written cancellation request is received **by 5:00 p.m. on Monday, October 1, 2012.**
- An alternate may attend in place of the original registrant, but must register in order to receive HRCI credit.

*\*\*The use of this seal is not an endorsement by the HR Certification Institute of the quality of the programs. It means that these programs have met the HR Certification Institute's criteria to be pre-approved for general recertification credit.*