



## Overtime Exemption Analysis Project Checklist

Prepared by Mary L. Topliff, Esq.

1. Determine jobs to review. Considerations include jobs that have changed over time, the lowest salary grade level jobs, jobs that are the subject of lawsuits against other companies, and jobs that do not clearly qualify for an exemption.
2. If possible, combine/coordinate/streamline Overtime Exemption Analysis Project with another project, such as Compensation or Salary Structure Review, Payroll Audit, Job Description Update or other HR project.
3. Determine data-collection methodology, e.g., what detailed information will be gathered about each job in question (detailed questionnaires, interviews, observation), who will be providing it (direct supervisor, senior manager, human resources), and who will be responsible for shepherding the process.
4. Provide communication and training for managers to understand the project and its legal ramifications.
5. Conduct data-gathering process. Collect data regarding amount of time worked, on-call time and travel time for employees in question to properly assess risk.
6. Have legal counsel conduct legal research and analysis to render legal opinion about proper overtime classification for each job in question.
7. Determine financial risks and consider all changes attendant to reclassification: (A) estimate of back overtime pay (calculate according to applicable statute of limitations, potentially 4 years); (B) estimate of future financial impact of reclassification; (C) determine reclassification impact on job grade, base pay, time reporting, employee benefit plan participation, bonus plan participation.
8. Report results of project to pre-identified decisionmakers.
9. Develop and implement communication strategy for notifying managers and employees to minimize risks and ensure smooth transitions.



## PROFILE FOR MARY L. TOPLIFF

Mary L. Topliff, of the Law Offices of Mary L. Topliff in San Francisco, a certified Women's Business Enterprise, has specialized in employment law counseling, training and compliance for over 20 years. Ms. Topliff regularly advises business owners and human resources professionals on all aspects of workplace issues with the goal of preventing costly disputes. She frequently conducts workplace investigations and wage and hour audits. Ms. Topliff also negotiates employment and separation agreements for executives.

Ms. Topliff is a frequent speaker and author on practical applications of workplace legal issues. She publishes a newsletter, the *Workplace Wave*, on recent legal and legislative developments. Ms. Topliff serves on the Editorial Review Board for the State Bar of California's *Labor and Employment Law Review*. She served as an adjunct faculty member with San Francisco State University's College of Extended Learning from 1999-2008.

Leadership California selected Ms. Topliff as a member of the Class of 2010 for its 2010 California Issues & Trends Program (CIT), a prestigious, yearlong program for 60 women leaders from across the state of California.

Ms. Topliff currently serves as Co-Chair of the Board of Directors and is on the Executive Committee of the Youth Leadership Institute, a national non-profit organization promoting leadership skills for youth to create social change in their communities. Ms. Topliff served on the Board of Directors of the Northern California Human Resources Association from 2007 to 2010. She currently serves as an arbitrator for the Bar Association of San Francisco's Attorney Fee Dispute Panel and as a mediator for the Equal Employment Opportunity Commission and the Department of Fair Employment and Housing. In 2006, Ms. Topliff was invited to be a Fellow of the American Bar Foundation. She has served on the Boards of Directors of the Fort Mason Foundation, the Financial Women's Association, and was the state-wide Government Affairs Director for the California State Council of the Society of Human Resource Management.

Ms. Topliff has been admitted to the California State Bar since 1988. She received her Juris Doctorate from The Ohio State University in 1988 and her Bachelor of Science in Business Administration with an emphasis on Human Resource Management from Bowling Green State University in 1982. Prior to attending law school, Ms. Topliff was a human resources practitioner for the United States Court of Appeals for the Tenth Circuit.