



Human Resources

Committee

Salt Lake City, UT

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Current News Update



**Lets Talk About
Overtime
“Exempt” Status
for
Estimators...**



Remember this slide?

Compare with a Dealership Mechanical Service Writer

The current Federal Regulations say:

“Employees variously described as service manager, service writer, service advisor, or service salesman who are not themselves primarily engaged in the work of a salesman ... are not exempt under section 13(b)(10).”

29 C.F.R. Sec. 779.372(c)(4)



Remember this slide?

Compare with a Dealership Mechanical Service Writer

However, four different federal courts have held that they are exempt and as a result, the U.S DOL now says:

“... [the Wage and Hour Division] will no longer deny the [overtime] exemption for such employees.”

F.O.H. 24L04(k)



News Flash!!!!

U.S. Dept. of Labor recently announced that they will not consider service advisors (and presumably estimators) exempt from overtime under the salesperson exemption.

- Don't Panic! This *probably* is not a big deal for your shop...
- Make sure you are using the **commission exemption** – This is a different exemption under federal law (FLSA).

RULE:

1. More than ½ of earnings from commissions.
2. At least 1.5 times minimum wage for every hour actually worked (are you keeping accurate time records?)
3. Primarily involved in sales – Pay Plan Updates?



Back to Basics!!!

Pros and Cons of Fighting Unemployment Claims



Back to Basics!!!

Hiring 101



Hiring Step 1

DEFINE HIRING CRITERIA

Who are you looking for?



Hiring Step 2

EVERYONE

*Completes
an Application!*



Hiring Step 3

SCREEN CAREFULLY

*Weed out the problems at
the Application Stage!*



Rules for accepting Applications

- The “15-Second Screening”
 - ◆ Is it **complete**?
 - ◆ No blanks
 - ◆ All questions answered
 - ◆ Is it **signed**?



READ the Application

- The “20-Minute Screening”
 - ◆ Do they have the qualifications for the job?
 - ◆ Look for “trouble signs” on the application.



Hiring Step 4

*So...you like them on
paper...*

Interview Aggressively!



Interview

“Dos” and “Don’ts”:

DO follow the

Interview Guidelines

- ◆ **DO** interview with a Purpose!
- ◆ **DO NOT** ask about “protected” classifications
- ◆ **DO** ask who, what, when, and where questions
- ◆ **DO NOT** write on the Application
- ◆ **DO** use 80/20 rule
- ◆ **DO NOT** hire “on the spot”
- ◆ **DO** look for signs of drug or alcohol abuse



Hiring Step 5

OK...

they sold you...

*What do others have to say
about them?*

Check those references!!!



Types of Background Checks

- Drug testing
- Credit checks
- Criminal background checks
- DMV checks

You MUST wait for the results before the employee can go to work!!!



But all that takes a lot of time...!

- Do you have the time to replace a “bad hire”?
- How much time do you spend dealing with problem employees?
- “Bad hires” are MUCH more likely to sue you – do you have the time (and \$\$\$) to deal with a lawsuit?



Thank You!
Human Resources Committee

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