

FLSA Solutions by Seyfarth

For most organizations, responding to the U.S. Department of Labor's (DOL) new and historic revisions to the definition of who may be classified as exempt from the Fair Labor Standards Act's (FLSA) minimum wage and overtime requirements means developing an effective analytical framework to make critical business decisions about employee pay and classification, as well as a credible implementation and communications strategy to effect those decisions. Seyfarth Shaw LLP, in conjunction with its compliance and communications training subsidiary, Seyfarth Shaw at Work (SSAW), offers a suite of customized, cost effective training programs, and other solutions tailored to your organization's particular compliance needs.

From identifying key stakeholders and engaging them in core planning and working sessions to analyzing your critical data and documents to communicating processes to management and employees, we have developed tiered solutions to successfully manage the challenges raised by the DOL's new minimum wage and overtime exemption rule.

Seyfarth Shaw and Seyfarth Shaw at Work are delighted to announce the following customized offerings tailored to your budget and your operational needs.

Tier 1: The Seyfarth "House Call"

One Seyfarth partner and one talented associate will spend a full day consulting with your organization onsite for a flat fee. The flat fee would include the following:

- **Seyfarth Shaw Preparation:** Our team of experienced Fair Labor Standards Act's attorneys consult with you pre-session and review relevant documents to ensure that the collaborative onsite session effectively addresses your organization's specific needs and concerns.
- **Client Pre-Work:** To further ensure efficacy and efficiency, we send you a detailed "workbook" explaining what we require before the onsite day.
- **Onsite Day:** We spend approximately eight hours consulting and working through any and all exemption issues, emphasizing those issues raised pre-session, as well as, if appropriate, overview planning, gap analysis, job analysis, communication strategies and general best practices.
- **Value Add Leave Behinds:** During the session, a Business Decisions Playbook (containing information regarding what to do with employees whose salaries are increasing or who are being reclassified, etc.) is created. In addition, for follow-up questions and other concerns, we provide 40 minutes per month of free access to the Seyfarth Shaw Wage and Hour Exemption Hotline until December 1, 2016.

➤ **Pricing:** \$9,500 flat fee (half-day available for \$6,500)

Tier 2: The SSAW Training Suite

One Seyfarth Shaw at Work trainer and one Seyfarth Subject Matter Expert will conduct customized and collaborative planning and training sessions using our proprietary tools and processes for a flat fee or per-suite price.:

Session 1:

Preparation with/for Compliance Leaders

This forward thinking session focuses on establishing an organization's scope and timeline for their analysis and decisions-making process and a comprehensive implementation and communication strategy. Special emphasis is placed on identifying and achieving buy-in from those key stakeholders who will likely be impacted and who may need to champion your changes.

Session 2:

Building an Analytical Framework to Support Critical Business Decisions

This session involves fully analyzing an organization's relevant data to help make critical business decisions. From gap and job analysis to drafting job descriptions to determining actual costs, to assessing decisions as to whether to restructure a job, adjust pay or reclassify, the session utilizes Seyfarth Shaw LLP's proprietary process maps to ensure that no issue is missed and no question goes unanswered. This session will provide the tools for an organization to make the important decisions necessary to ensure legal compliance by the new exemption rule's December 1 effective date.

Session 3

Decision & Communication Strategy Implementation

This session helps an organization to finalize any decisions it still needs to make to comply with the new exemption rule by its effective date. Seyfarth will provide guidance to (help an organization) minimize the risk of collateral claims brought by affected employees and other litigious actors. Careful communications are crucial to any significant change management plan and, realizing there is no one-size fit all communication, this session concentrates on development of a specific communication plan, using customized templates and scripts— a "Script Folder." Session participants collaborate to develop best-practice response scripts and to translate business decisions into straight-forward bottom line statements, with an emphasis on awareness and empathy. Escalation points are identified and clearly defined to better ensure understanding and compliance.

SSAW Communication Tools Only Option: We remotely create and deliver customized communication templates and response scripts ("Script Folder").

Session 4:

Captains of Teams: Managers & Supervisor Training

An organization's managers and supervisors are on the front-line when it comes to implementing and communicating critical workplace changes, especially when it comes to issues of pay and status. No one is more important to ensure that decisions are implemented effectively, efficiently, and legally, while minimizing risks of employee claims. This engaging and interactive training program focuses on providing managers and supervisors with the scripts, skills and tools to consistently respond to wage and hour questions, and have the comfort level to engage in potentially difficult conversations.

Through the use of high-impact, realistic scenarios and tools, the training helps not only to imprint critical messaging and talking points, but also to help managers and supervisors understand when to take concerns and complaints seriously and immediately escalate issues. This session is tailored to an organization's specific compliance needs and can be used, for example, to teach managers and supervisors how to oversee the work of employees newly reclassified to nonexempt status because of the revised Fair Labor Standards Act's exemption rule.

These sessions can be taken individually or as a package. Up to 30 participants per session.

> Pricing: \$6,000 per session or \$20,000 for all four sessions. (\$3,500 for the SSAW Communication Tools Only Option).

Tier 3: Directed Review

A designated team of Seyfarth attorneys and Seyfarth Shaw at Work members prepares your in-house team for the new exemption overtime rules by utilizing a tailored combination of Tier 1 and Tier 2 offerings. We work your team to tailor a work plan developed from the menu of phases and steps outlined in Seyfarth Shaw LLP proprietary *Workflow for Exempt Classification Legal Review*, stressing and utilizing those phases and steps that fit your organization's particular needs and curating customized, non-standard steps when appropriate.

With a Directed Review, an organization's internal teams complete much or most of the work defined in the *Workflow Chart* under Seyfarth's careful direction.

► **Tier 3 and Tier 4 Pricing:** TBD. Based on a client's specific environment and needs.

Tier 4: Full Review

As in the case of Tier 3, a designated team of Seyfarth attorneys and Seyfarth Shaw at Work members prepares your in-house team for the new minimum wage and overtime exemption rule utilizing a tailored combination of Tier 1 and Tier 2 offerings. Unlike Tier 3, Seyfarth's teams will complete much if not all of the work involved in the phases and steps adapted for an organization's assessment project from the *Workflow Chart*.

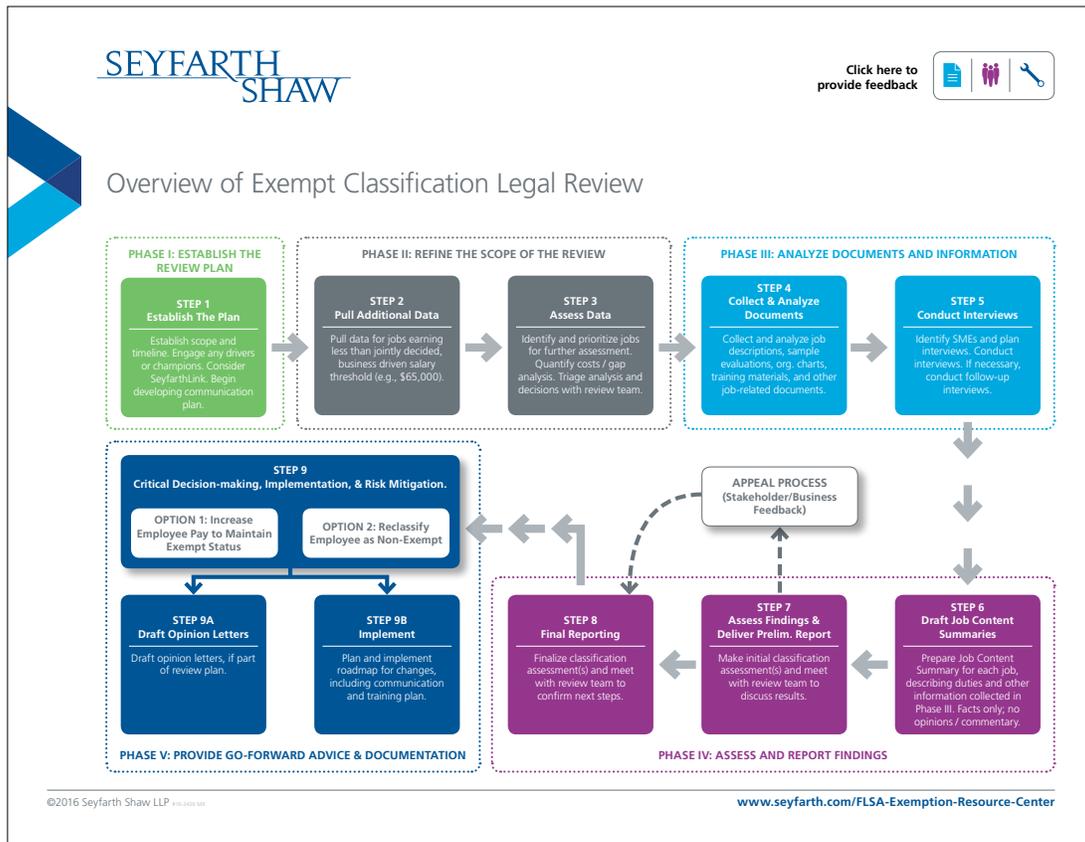
► **Tier 3 and Tier 4 Pricing:** TBD. Based on a client's specific environment and needs.

Workflow for Exempt Classification Legal Review

Seyfarth Shaw LLP's proprietary Exemption Assessment Workflow Chart consists of the following phases and steps. Pricing available by phase and/or by step.

- **Phase I:**
 - Establishing the plan
- **Phase II: Refine the Scope of the Review**
 - Step: Pull data
 - Step: Assess data
- **Phase III: Analyze Documents and Information**
 - Step: Collect and analyze documents
 - Step: Conduct interviews
- **Phase IV: Assess and Report Findings**
 - Step: Draft job content summaries
 - Step: Assess findings and deliver prelim report
 - Step: Final reporting
- **Phase V: Provide Go-Forward Advice and Documentation**
 - Step: Draft opinion letters
 - Step: Communicate, execute, train

Workflow for Exempt Classification Legal Review



About Seyfarth's Wage & Hour Audit, Assessment, & Counseling Team:

Seyfarth's Wage & Hour Audit, Assessment, and Counseling Team has substantial experience triaging clients' exposure to wage and hour claims and proactively eliminating or reducing it. By anticipating impending risks, we assist our clients in identifying their points of potential exposure and taking steps to correct the challenges that cause them.

We have developed a methodology for efficiently and cost-effectively reviewing clients' exempt/non-exempt and independent contractor classifications, as well as pay-related employment policies and practices. We partner with clients to ensure compliance with federal and state laws. We have developed proprietary technology solutions to help our clients identify and address issues that may expose them to risk. Using our innovative SeyfarthLean approach, we tailor our methods and technology tools to fit our clients' specific needs effectively and cost-efficiently, regardless of a project's scope.

The ultimate result for our clients is a best practice risk-mitigation solution that leaves them with a more efficient and effective approach to wage and hour issues.

About Seyfarth Shaw at Work:

Seyfarth Shaw at Work® develops effective, engaging and customized training, compliance communications and related solutions tailored to an organization's specific goals and needs. Training and related solutions are developed from the data, expertise and information provided by Seyfarth Shaw and our SeyfarthLean colleagues, as well as the client itself.

Seyfarth Shaw at Work's training and communication programs are designed by a creative team of instructional designers, attorneys and industrial psychologists, and delivered by an unparalleled group of former plaintiff's attorneys, investigators, judges and others, using a practical, hands-on and action-oriented approach.