



Small Business: Wage issues employers should keep on their radar as they reopen, Newsday, ft. Keith Gutstein

Keith Gutstein, Esq., co-managing partner of the Long Island office of Kaufman Dolowich & Voluck, LLP and co-chair of the KD Labor & Employment Law practice group, was quoted in a *Newsday* article written by Jamie Herzlich - June 14, 2020.

The pandemic has shaken up the structure of many workplaces.

For many companies, it's resulted in reduced workforces, changing roles and responsibilities for employees and salary reductions.

Given that, as companies reopen, there are wage and hour issues employers should be aware of including the possibility that some employees previously designated as overtime exempt no longer fit into that category.

"While an employee prior to the pandemic may have been properly classified as exempt from overtime, a change in an employee's duties and/or compensation upon their return may now change that classification," says Keith Gutstein, co-managing partner of the Woodbury office of Kaufman Dolowich & Voluck LLP.

Generally speaking, exemption from overtime is based on salary and job duties, he says.

On Long Island, as per New York State standards, eligible white-collar employees have to make at least \$50,700 (\$975 per week) in 2020 to qualify for an overtime exemption, says Gutstein.

They also have to perform certain job duties, which differ across different categories of exemptions (ie., executive, administrative, and professional), he says. For example, under the executive employee exemption, the employee must customarily and regularly direct the work of two or more other employees, he says.

With workforce reductions, that could change for some employees, as could salary thresholds making them no longer exempt, says Gutstein.