

One Pennsylvania Plaza  
20th Floor  
375 East 52nd Street  
New York, NY 10022  
212 470 1000  
www.kjl.com

**Kohrman  
Jackson &  
Krantz<sup>PLA</sup>**  
ATTORNEYS AT LAW

**NOHRPS**

Labor & Employment Law Update  
December 3, 2009

**EMPLOYMENT LAW AUDITS**

**Presented By:**  
**Robert S. Gilmore, Esq.**

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**A survey of over 4,300 low-wage workers in Chicago, LA and New York concluded:**

- 26% of employees reported being paid less than the minimum wage.
- 76% of employees who work overtime reported not being paid the legally required overtime rate.
- Of the 25% of employees who claimed off the clock work, 70% reported it was unpaid.
- 41% of employees who had money deducted from their pay reported illegal deductions.

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- Of the 20% of employees who reported making a complaint to management or trying to start a labor union, 43% experienced some form of retaliation
- 50% of employees who reported workplace injuries to their employer claimed some form of retaliation.
- 68% of employees experienced some pay-related violation.

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In the Obama administration, the federal agencies that enforce workplace laws are ramping up enforcement to an unprecedented level:

- The Justice Department recently announced that it would hire an additional 50 attorneys to increase its enforcement of civil rights violations.
- The Department of Labor recently announced the hiring of 250 additional investigators to step up enforcement of its Wage & Hour Division.
- One need only scan the EEOC's press releases to see that it has significantly ramped up its prosecution of EEO violations.

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Every workplace needs a tune-up now and then. Handbooks should be reviewed annually. Harassment and EEO training should be done at least every two years absent a need for more frequent training. A wage and hour audit should be completed once every two to three years. Your stance on retaliation ("Don't do it") should be reinforced with all employees at every opportunity.

Some routine preventative maintenance will go a long way to ensuring better compliance and fewer problems.

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**Kohrman  
Jackson &  
Krantz<sup>PL.L</sup>**  
ATTORNEYS AT LAW

Robert S. Gilmore  
Kohrman Jackson & Krantz  
One Cleveland Center  
1375 East Ninth Street, 20<sup>th</sup> Fl.  
Cleveland, OH 44114

Phone: (216) 736-7240  
Fax: (216) 621-6536  
Email: rsg@kjk.com

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