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Agreement to work overtime formula

The federal Fair Labor Standards Act (FLSA) requires employers to pay non-exempt employees 1.5 times their "regular rate of pay" for all hours worked over 40 in a workweek. Some states require overtime pay in additional circumstances and at different rates. Below, we cover how to calculate overtime in accordance with federal rules. Regular Rate of Pay: To accurately calculate overtime pay, you must first determine the employee's regular rate of pay. An employee's regular rate includes their hourly rate as well as the value of nondiscretionary bonuses, shift differentials, and certain other forms of compensation. Examples of Overtime Calculations: Here are some examples of calculating overtime under federal law. Always check to ensure calculations comply with both federal and state law. Page 2 Hiring a new employee can sometimes be time consuming, costly, and difficult. These hurdles can lead to excuses when the process is (or seems to be) coming up short. Failing to challenge these excuses could result in a bad hiring decision, increased costs, lower productivity, or even a failure to comply with certain employment laws. Here are five hiring related excuses you shouldn't buy into: Excuse #1: We're just a small company, so we can't compete for top talent. Candidates look at a number of factors when determining whether to accept job offers. Even if your company is unable to offer the highest wages, consider your total compensation package. Factor in both direct compensation (wages, salaries, commissions, and bonuses) and indirect compensation (health insurance, paid time off, retirement plans, etc.). Additionally, think about other attributes that make your company environment unique, such as flexible work schedules, professional development, or other perks. Make sure that your recruiting and hiring efforts emphasize what sets you apart from other employers. Excuse #2: We can't find anyone to fill the position. If you have difficulty filling a position, you may need to expand your search or reevaluate your criteria. For instance, perhaps there isn't an exact match for the skills you need but maybe there are candidates with related skills and on-the-job training could fill in those gaps. Also, consider whether it's feasible to offer a more attractive compensation and/or benefits package. As we talk about above, even if higher pay isn't an option, you could offer and highlight other low-cost benefits to attract applicants. Excuse #3: We try to promote diversity but women [or another underrepresented group] don't want to work these jobs. If you're having trouble attracting a diverse workforce, take a hard look at your policies and practices. At a minimum, ensure that they comply with applicable federal, state, and local nondiscrimination laws and are free of both implicit and explicit biases. Beyond compliance with the law, think about whether your practices truly foster diversity and inclusion. Consider taking steps such as: Using a wide variety of sources to find potential job candidates. Understanding which groups are underrepresented in your workforce and seeking out community organizations and schools to help you recruit a more diverse applicant pool. Ensuring that job advertisements and job descriptions use language that encourage all groups to apply. For example, if the position has specific physical demands, focus on the task that needs to be done, rather than how it's done (such as, the position requires "moving" 50 pounds, instead of "lifting" 50 pounds). Employees with disabilities may be able to perform the essential functions of the job with an accommodation, such as using a cart, dolly, or mobility aid. Including a diverse group of company representatives in the screening and selection process to help prevent biases from affecting hiring decisions. Identifying clear job-related criteria by which you will assess applicants and applying the criteria consistently. Training decision-makers to avoid basing decisions on explicit and implicit biases. Looking for ways to introduce elements of "blind auditions" into your hiring process. For example, you can make it a policy to remove names when giving resumes and applications to the person who decides whom to call in for interviews. This can help reduce the potential for discrimination, since you're unable to act on any biases because the individual's identity is completely unknown. Excuse #4: We don't have the time to consider anyone with a criminal conviction. Blanket policies barring candidates with criminal convictions may violate federal, state, and local laws and can disproportionately affect minorities and other protected groups. The Equal Employment Opportunity Commission says that an employer cannot simply disregard any applicant who has been convicted of a crime. Instead, employers should evaluate how the specific criminal conduct relates to the duties of a particular position. When making this assessment, consider a variety of factors, such as the facts and circumstances surrounding the offense, the timing of the offense, the number of offenses for which the individual was convicted, rehabilitation efforts, and employment or character references. Excuse #5: We know them, so we can skip that step (background check, interview, etc.). Even though you "know" the candidate, you may not have access to the job-related information you need to make an informed hiring decision without an interview, background check, and other important parts of your hiring process. Additionally, if you subject some candidates to certain screening and selection practices but not others, you may violate nondiscrimination laws. If you conduct interviews, background checks, and/or other screening and selection procedures, do so consistently for all similarly situated applicants. Conclusion: Develop an effective hiring process that complies with federal, state, and local laws and meets your business needs. In our latest HR (preneur)™ podcast episode, Interview Questions That Could Get You in Trouble, we talk about why you should avoid certain seemingly harmless interview questions. Press play below to listen. And make sure to subscribe on Apple Podcasts. Page 3 Interviews are critical for finding the right fit for a job, but they must be conducted carefully in order to stay within the bounds of federal, state, and local laws. Employers should avoid questions that are expressly prohibited by law and those that may directly or indirectly reveal an applicant is a member of a protected group. Here are several examples of questions to avoid, along with some suggested alternatives. Avoid #1: Do you smoke? Do you drink alcohol? Are you a medical marijuana user? Several states prohibit discrimination against individuals who use tobacco products or engage in lawful activity while off-duty. Some states also have express employment protections for individuals who use medical marijuana while off-duty. Given these employment protections, it's best to avoid questions about whether an applicant smokes or drinks. These questions may also prompt the candidate to reveal the existence of a disability (see #8 below). Alternative: Regardless of the state, employers have the right to prohibit the use of, possession of, and impairment by alcohol, marijuana, and tobacco in the workplace, during work hours, and on company property. During the interview, you may communicate your drug and alcohol policy as long as you do so consistently for all similarly situated applicants. Avoid #2: How much did you earn in your previous job? Some states and local jurisdictions have passed laws that restrict employers from asking about an applicant's pay history during the hiring process and/or using pay history to make employment decisions (under the premise that pay history may reflect discriminatory pay practices of a previous employer). Check applicable laws before asking these types of questions. Alternative: These laws generally allow you to provide the candidate with the starting salary (or salary range) for the position and ask whether it would be acceptable if the candidate were offered the position. To err on the side of caution, you may also want to tell the candidate not to reveal what they earned in their previous job when answering this question. Avoid #3: Can you provide us with the username and password for your personal social media account so we can take a look? Many states prohibit employers from asking applicants or employees for log-in information for their personal social media and Internet accounts. Check your state law to ensure compliance. Alternative: None. Avoid #4: What religion do you practice? Do you have obligations that would prevent you from working Friday evenings, Saturdays, or Sundays? Do you wear that head scarf for religious reasons? Employers are prohibited from discriminating against individuals on the basis of religion. This includes religious beliefs (both traditional as well as non-traditional) and religious practices, such as attending religious services, praying, or wearing religious garb. Generally, you should avoid questions that elicit information about religious beliefs and practices. Alternative: If you want to confirm an applicant is able to work the hours required for the job, state the regular days, hours, or shifts for the job and ask whether the candidate can work such a schedule. Keep in mind that you may be required to reasonably accommodate an employee's religious beliefs or practices, such as allowing an employee to voluntarily swap shifts with a co-worker so that they can attend religious services. Interviewers should also be familiar with the company's dress code (or any other policy that might call for a religious accommodation) and be ready to ask applicants if they can comply, with or without a reasonable accommodation. This question can spark a discussion over possible accommodations, if applicable. If you do ask this question, be consistent and ask it of all applicants. Avoid #5: How old are you? We went to the same high school...what year did you graduate? Do you plan to retire soon? Under federal law, employers are prohibited from discriminating against applicants and employees who are age 40 and older. Many states also prohibit age discrimination, some protecting even younger workers. The answers to the questions above could be used to estimate the applicant's age. Alternative: If there are minimum age requirements for a job in order to comply with a law or for insurance purposes, you may ask whether the applicant meets those requirements. Avoid #6: You have a beautiful name...what is the origin of it? Where is your accent from? Where were you born? Where did you grow up? Federal and many state laws prohibit employers from discriminating against applicants and employees on the basis of national origin (based on where the individual was born or because of their ethnicity or accent). Avoid these questions since they may reveal information about an applicant's national origin. Alternative: None. However, you are permitted to ask if the applicant is authorized to work in the United States, as long as you ask this question of all candidates. Avoid #7: Are you pregnant? Do you have or plan to have children? Are you married? Who's responsible for your children's care? Federal law and many state laws prohibit employers from discriminating against individuals because of pregnancy. Some states also expressly prohibit employers from discriminating against applicants because of their marital and/or family status. Avoid interview questions about an applicant's pregnancy, intentions regarding pregnancy, or family and marital status. Alternative: During the interview, explain expectations related to work hours, overtime, and travel and ask the applicant whether they can meet those requirements. Be consistent and ask these questions of all applicants (not just female applicants). Avoid #8: Do you have a disability? How many sick days did you use last year? We ask all candidates this...will you need a reasonable accommodation on the job? The Americans with Disabilities Act (ADA) and similar state laws generally prohibit employers from asking questions during interviews that are likely to reveal the existence of a disability. Alternative: Under limited circumstances, the ADA allows employers to engage in a dialogue regarding whether a qualified candidate would need a reasonable accommodation to perform the essential functions of the job. For more information, see Question #15 from guidance issued by Equal Employment Opportunity Commission (EEOC). Avoid #9: Do you have military obligations that would require you to miss work? Do you have military duties on weekends? Under the Uniform Services Employment and Reemployment Act (USERRA), employers are prohibited from discriminating against applicants and employees due to past, present, or future membership in the uniformed services. Avoid questions about an applicant's military obligations. Alternative: If applicants voluntarily disclose that they served in the military, such as on their resume, you may ask questions regarding relevant job-related skills acquired during their service. Avoid #10: Have you ever been arrested or convicted of a crime? Questions about arrests are generally off limits. Several state and local laws also limit the use of conviction records by prospective employers. For example, some expressly prohibit questions about criminal histories until after the employer makes a conditional job offer. Check applicable laws and consult legal counsel before asking about criminal history. Alternative: Even where criminal history inquiries are permitted, they must be used in a nondiscriminatory way. According to the EEOC, employers should evaluate how the specific criminal conduct relates to the duties of a particular position. This generally requires an individualized assessment that looks at the facts and circumstances surrounding the offense, the number of offenses for which the individual was convicted, rehabilitation efforts, and employment or character references. Avoid #11: Have you ever filed a sexual harassment complaint? What about a workers' compensation claim? Under federal and many state laws, employers are prohibited from retaliating against individuals because they opposed unlawful sexual harassment or other forms of discrimination, or participated in a workplace investigation. Many states also prohibit discrimination against individuals because of their workers' compensation history. Questions regarding workers' compensation might also reveal the existence of a disability in violation of the ADA (see #8 above). Alternative: None. Conclusion: Make sure your interview questions are limited to inquiries that only reveal lawful, job-related information. If an applicant voluntarily offers information about their protected status, redirect the interview to elicit job-related information that can help assess whether the candidate is qualified for the job and do not use that information when making employment decisions. Train supervisors and others who conduct interviews to ask questions in accordance with the law and company policy.

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