

## **2023 EXEMPT OR NON-EXEMPT CLASSIFICATION SERVICE OVERVIEW**

- Our classification service is designed to help your team ensure that all “exempt” positions **comply with state and federal law.**
- Job descriptions lay the groundwork for effective compensation, performance management and recruitment initiatives. Well written job descriptions also play a critical role in the **defense against discrimination or wrongful termination claims.**
- The forms that our law firm will provide to your team will guide you through the process of updating job descriptions. This process trains your employees to create effective job descriptions, **a skill that can be utilized going forward.**
- The 2023 ADA Elements Checklist, the 2023 Essential Functions Determination Form and the 2023 Position Classification Form will **help you create or update job descriptions.** These forms provide a tremendous benefit and foundation for your compliance infrastructure. Also, these forms and this service will be **a giant first step in helping your team achieve compliance with federal and state pay equity laws.**
- We will review the job descriptions and completed documents that you provide to us to ensure exempt positions comply with state and federal law. **We will look at each of your job descriptions to determine whether the employee’s current exempt/non-exempt classification is appropriate.** We will note questions and concerns regarding your classifications using the “redline” and “comments” features in Word. We may also follow up with you via telephone with questions or for clarification regarding essential functions, questions regarding reassignment of job duties, and ability to start tracking time.
- We will conduct a telephone conference (typically one hour) to review the classifications. The telephone conference will include your team and the lead Attorney from Foley & Foley, PC. **The conversation will be protected by the Attorney/Client privilege.**
- You will finalize all pertinent forms for each job/position and each incumbent/employee based upon the advice and counsel provided by Foley & Foley, PC.
- The completed forms will be placed in each incumbent’s/employee’s personnel file.
- You will have the peace of mind that comes from knowing that your employees are correctly classified, and a legal opinion that the classifications are accurate.
- **You will also have ready-made documentation to provide to the DOL and/or corresponding state regulatory agency in the event of an Audit.**
- **If we uncover mistakes or misclassifications, your knowledge of those findings is locked in the vault of Attorney/Client privilege and cannot be used against you.**

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