

NOZZLE & WRENCH

AN OFFICIAL PUBLICATION OF THE WASHINGTON DC, MARYLAND & DELAWARE SERVICE STATION & AUTOMOTIVE REPAIR ASSOCIATION



VOLUME 19/ISSUE 1
JANUARY 2020

KIRK'S CORNER

New Year – Same Issues



By Kirk Mccauley,
Director Of Member
Relations &
Government Affairs

you are under.

When issues come up in the form of bills that will affect your business, nobody testifies before committee better than business owners. As a business owner or manager, you are at ground zero for feeling the effects of legislation on all the issues that matter the most. **Grass roots lobbying/testimony are very effective coming from the business owner.** Some of the best testimonies come from the heart and yes, sometimes you may be down in Annapolis, Dover, or District of Columbia from noon onward to give three minutes' worth of testimony. Legislators know you are taking time from work to address these issues and it means that much more. I will try not to call anyone more than once (unless you tell me differently). You could even bring your family if you wanted and that could provide a good experience on the workings of government, good and bad. Nobody tells your story better than you and it only takes three minutes. Send me an email or text with your name and cell phone number.

On December 26 FDA put a notice on their website that said:

Note: On December 20, 2019, the President signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product – including cigarettes, cigars and e-cigarettes – to anyone under 21. FDA will provide additional details on this issue as they become available.

This was a real problem for Maryland and Virginia dealers in that they had signs up that with military I.D. you could buy tobacco at 18. No notice and even FDA's website was in conflict to this statement. In places still saying 18 was the age. Poor planning and poor execution on FDA's part **Unless FDA changes, it is illegal to sell to anyone under the age of 21.**

A letter was sent to FDA and signed on by 6 trade groups that represent petroleum, convenience stores, grocers and food marketers. Will keep you updated if things change.

E-Task Force

WMDA is a member of Comptrollers Peter Franchot E-task force and have been to one area meeting and scheduled for another on the January 9th. E-Task Force is looking at all the e-cigarettes and vape products that are sold today. Findings will be presented to Maryland legislators to act on. Any members that would like to have information or questions brought up at meeting should e-mail me at kmccauley@wmdda.net. ■

EFFECTIVE 1-1-2020

- Maryland Minimum wage goes to \$11.00 Except in Montgomery and P.G. County
- Lead wheel weights are unlawful to use
- P.G. will start enforcing recycling law
- Federal O.T rule changes for employees who do not receive O.T. pay – Minimum salary now \$684 (was \$455)
- Age 21 to buy tobacco or ENDS products nationwide with no exceptions

2020 LEGISLATION BEGIN:

- Maryland: January 8-April 8
- Delaware: January 14-June 30
- District of Columbia is in session all year with a couple of breaks

EXPECTED ISSUES IN 2020:

- Paid family leave anywhere from 8-16 weeks which include maternity, already enacted D.C.
- Predictive Scheduling of employees
- Flavor ban on e-products and possibly on regular tobacco including cigars
- Minimum wage in Delaware

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Laurel Maryland (240) 459-3902	Lutherville-Timmonium Maryland (410) 769-0833	Rockville (Stonestreet) Maryland (301) 424-6270	Rockville (Wyaconda) Maryland (301) 424-2010
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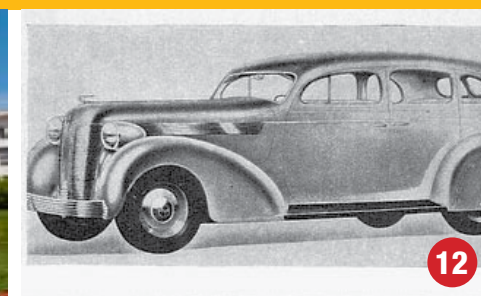
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2020

CALENDAR OF EVENTS

JAN 7	General Membership Meeting
FEB 29	Training Day 2020
APRIL 16	General Membership Meeting
JUNE 16	Charity Golf Outing
OCT 20	Annual Expo, Car Show & Awards Dinner

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Council of Automotive Repair (CAR) presents

TRAINING DAY 2020

Registration Now Open

One low registration fee of \$189/ea — WMDA/CAR Members pay \$169/ea

Breakfast,
Lunch & Snacks
Included with Registration

SATURDAY, FEBRUARY 29, 2020 – 8AM TO 4PM

Community College of Baltimore County, Catonsville, 800 S. Rolling Road, Baltimore, Maryland

MORNING SESSIONS: 9:00 a.m.–Noon

- 1 Braking Systems**
Presenter: Jim DeAngelis, CCBC
- 2 Advanced Driver Assistance Systems and Calibration**
Presenter: George Lesniak, Director of Sales & Training, ADAS
- 3 Growth through Generation Change**
Presenters: William Hillmuth Jr (Founder & Former VP); William Hillmuth III (2nd Gen. VP), Hillmuth Auto Care; and attorney Jim Parsons, Lynott, Lynott & Parsons, P.A
- 4 Supercharge Your Front Counter Skills by becoming a Customer Relationship Manager**
Presenter: Matthew Winslow, Automotive Training Institute, Senior Instructor / Content Developer
- 5 Wheel of Fortune**
Presenter: Dan Gilley, RLO Training

AFTERNOON SESSIONS: 1:00–4:00 p.m.

- 6 Developing a Wheel Retention Program & TPMS**
Presenter: Kevin Rohlwing, Senior VP of Training, Tire Industry Association
- 7 Advanced Driver Assistance Systems and Calibration**
Presenter: George Lesniak, Director of Sales & Training, ADAS
- 8 Leading and Managing Effectively**
Presenter: Matthew Winslow, Automotive Training Institute, Senior Instructor / Content Developer
- 9 Seven Steps to a Sale**
Presenter: Dan Gilley, RLO Training

ALL-DAY SESSIONS: 9:00 a.m.–Noon & 1:00–4:00 p.m.

- 10 Advanced Electrical Diagnosis**
Presenter: Harold Babb, CCBC
- 11 Maryland State Inspection**
Presenter: William Hemling, CCBC

Lunch catered by Mission BBQ.

See reverse side for session descriptions.

Attendee 1: _____

Attendee 2: _____

Attendee 3: _____

MORNING # _____ **AFTERNOON #** _____ **ALL DAY #** _____

MORNING # _____ **AFTERNOON #** _____ **ALL DAY #** _____

MORNING # _____ **AFTERNOON #** _____ **ALL DAY #** _____

CONTACT INFORMATION

Contact Person: _____

Company Name: _____

Mailing Address: _____

City/State/Zip: _____

Phone _____ Fax: _____

E-mail: _____

REGISTRATION FEES*

Registration Fee _____ @ \$189/ea.

Member Registration Fee _____ @ \$169/ea.

Total Amount Due: \$ _____

(*Breakfast, Lunch & Snacks included with registration)

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Account # _____ CVV Code: _____

Account Name (print): _____

Signature: _____

or ☐ Checking this box is my electronic signature

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Fax: 301-390-3161

Email: dwebster@wmda.net or ssripada@wmda.net

TRAINING DAY 2020 SESSION DESCRIPTIONS

MORNING SESSIONS – 9:00 a.m.-Noon

1. Braking Systems

Presenter: Jim DeAngelis, CCBC

Session for Auto Technicians.

- Electronic Parking Brake: Cable pull and motor-o-caliper
- Electronic Brake Booster Systems

2. Advanced Driver Assistance Systems and Calibration

Presenter: George Lesniak, Director of Sales & Training, ADAS

Session for Auto Technicians. Vehicles with Advanced Driver Assistance Systems have been around for nearly 20 years, however the number of ADAS equipped vehicles on the road has increased dramatically. Significantly increasing the number of ADAS calibrations which need to be performed. This class will discuss these systems, their operation and challenges/opportunities.

- Sensing and imaging technology used by various driver assistance systems.
- ADAS technologies, adaptive cruise control, forward collision warning, automatic emergency braking, rear collision warning, blind spot detection, around view monitoring and night vision.
- What you need to perform ADAS calibrations in your shop.
- Dynamic vs. static calibration and where the industry is heading.
- A virtual demonstration of a lane departure warning system calibration utilizing the Autel MaxiSys ADAS calibration system.

3. Growth through Generation Change

Presenters: William Hillmuth Jr (Founder & Former Vice President); William Hillmuth III (2nd Generation Vice President), Hillmuth Auto Care; and attorney Jim Parsons, Lynott, Lynott & Parsons, P.A

Session for Shop Owners. A thought-out plan, for succession, is essential to make a transition successful. The Hillmuth Family has learned many lessons throughout 40 years, expanding to 4 locations in Howard and Montgomery Communities. The family dynamic is real, hard, and tough to deal with everyday building a business. They help you to be accountable and push you to be better. What type of family culture does your shop have? Their mission is to serve and to lead their team to success. You will learn:

- Why do you want to grow, And why should you?
- How to start the Succession Plan, and when.
- How do you keep your current locations running and consistent?

4. Supercharge Your Front Counter Skills by Becoming a Customer Relationship Manager

Presenter: Matthew Winslow, Automotive Training Institute, Senior Instructor/Content Developer

For Owners, Managers, and Service Advisors.

- Discover how to build rapport instantly.
- Learn how to overcome the 5 most common price objections.
- Turn 1st time customers into long term service clients.
- Discover how to create loyal customers who return for more services regularly and write positive reviews about you to help you grow your business.

Most shops struggle with getting their technicians to do consistent courtesy checks. In this exciting 3-hour session, you'll learn how to turn a dysfunctional courtesy check process into a profit procedure that will increase your sales make your techs happy and keep your customers coming back long term.

This new advanced class will give you critical skills to become a world class service advisor in today's demanding market. **Don't miss it!**

5. Wheel of Fortune

Presenter: Dan Gilley, RLO Training

For Owners, Managers, and Service Advisors. Work can be overwhelming at times, like the merry-go-round spinning out of control. Shops fulfill customer requests, using shop resources, to achieve their business objectives. To achieve your business production goals you must understand how to balance Customer Demand, Business Resources, and Business Results. This course will give you a way of seeing the dynamics that drive the auto repair business through three-spoke wheel paradigm, so that you'll leave this session with a set of tools, that when implemented, will have a profoundly positive affect on the outcome of your shop's production.

AFTERNOON SESSIONS – 1:00-4:00 p.m.

6. Developing a Wheel Retention Program & TPMS

Presenter: Kevin Rohlwing, Senior VP of Training, Tire Industry Association

Session for Auto Technicians. It takes a lot more than a torque wrench to keep the wheels on a vehicle. If the condition of just one component is questionable, then the correct torque may still result in loose wheels even when everything else is serviceable. In other words, there are a lot of variables that ultimately determine if the correct torque generates the correct clamping force. The best practice is to develop a wheel retention program that will effectively do the job on a consistent basis, which is why TIA created the RIST (Remove, Inspect, Snug, Torque) procedure. This session will explain each step in the RIST process and demonstrate how it affects the torque and clamping force. It will conclude with a discussion on the real-world liability associated with wheel installation and the steps that service providers can take to protect themselves in the event of an accident that leads to a lawsuit.

7. Advanced Driver Assistance Systems and Calibration

Presenter: George Lesniak, Director of Sales & Training, ADAS

****See description listed in AM session #2**

8. Leading and Managing Effectively

Presenter: Matthew Winslow, Automotive Training Institute, Senior Instructor/Content Developer

For Owners, Managers, and Service Advisors. In this fast-paced course, Matthew Winslow shares secrets on how to transform your employees from unmotivated individuals into a high performance service team!

- Uncover the secrets between Leading Vs Managing people!
- Discover secrets on how to lead people effectively to align them to your agenda and unleash their energy!
- Discover key types of Power in your business. Motivate your people by understanding how the human brain works!
- Bond your people to you by creating a tribal environment!
- Come learn how to change your people's beliefs so you can change their behavior forever!

This course is for anyone that needs people to follow them into any situation. This is truly a new concept in Leadership that has been used since the beginning of time with tremendous success. Join us and learn how ATI has been helping shop owners and managers change their people's behavior.

9. Seven Steps to a Sale

Presenter: Dan Gilley, RLO Training

For Owners, Managers, and Service Advisors. To provide outstanding customer service and sales for the shop, advisors need to follow a consistent sales process. This class gives the advisor the seven steps that, if followed, will lead to higher customer satisfaction as well as increased sales.

ALL-DAY SESSIONS – 9:00 a.m.-Noon & 1:00-4:00 p.m.

10. Advanced Electrical Diagnosis

Presenter: Harold Babb, CCBC

Session for Auto Technicians.

- Next step from basic electrical
- Code diagnosis
- Following diagnostic Flowcharts
- Schematics and RPO Codes
- Meter diagnosis

11. Maryland Safety Inspection

Presenter: William Hemling, CCBC

Session for Auto Technicians.



Succession Planning



By Sandi Weaver
BA Auto Care, Inc.

A LOT GOES INTO SELLING your business and it's never too soon to start planning. Even if you aren't planning to retire anytime soon, being prepared is important as we never know what life will throw at us. My coach had an unexpected health concern that ended with him out of commission for a few months. He was fortunate that his children were already active in the business and were able to take over where needed. He decided since they had handled it so well, why come back? A lot of shop owners don't have their children to fall back on but I hope everyone has someone who can step up and handle things should the need arise.

Below is a short list of things to help you prepare for retirement or the unexpected. (Always seek professional advice)

- Set a date you want to retire. It can be in 6 months or 6+ years. Having a date, even if it changes, helps with working out when you can afford to retire and how long you have to get things together.
- Get your company's finances in order. You'll have to show your company is profitable, how much the company can make without your salary included and much more.
- Get your personal finances in order. You'll need to know how much money a month/year you will need to make to be able to retire.
- Speak with your financial advisor and your accountant. It's always advised to seek professional help. There are many ways to sell and/or pass your business on. A financial advisor and accountant can let you know your options and advise on the best solution for you and your company.
- Make sure your Corporate Minutes are up to date.
- Organize and reduce your inventor of parts and equipment. Anything that is outdated and unused needs to go.
- Standard Operating Procedures and other documents such as employee handbook should all be complete and ready to pass on. This will make for a smooth transition when the new owner takes over.
- Have a list of advisors your company uses such as account, financial planner, bank, lawyer and more available to your key employee. Should an emergency force you out of work, this list of people can help your successor.
- Owners job description. Owners do a lot behind the scenes and having a job description allows your successor to pick up where you left off.

These are just a few things need to sell your business or have ready should the need arise. For more information about succession planning, join us for Training Day 2020 February 29th 2020 at CCBC. ■



Set a date you want to retire. It can be in 6 months or 6+ years. Having a date, even if it changes, helps with working out when you can afford to retire and how long you have to get things together.

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The Coalition... said that a lack of progress on an update to the law in the legislature led them to pursue an initiative petition so that Massachusetts car owners will continue to have access to the repair and diagnostic mechanical information produced by the vehicle they own.

LEGISLATIVE UPDATE

A Look Ahead: Updated Massachusetts Right to Repair Law Headed to Ballot, What it Means Here



By Roy Littlefield IV

THERE IS POSITIVE NEWS on the Right to Repair front. WMDA/CAR being represented by SSDA-AT has been very involved in these initiatives and actions. If the law is able to be amended in Massachusetts, states around the country will be able to benefit from and model this legislation. We are also working on developing a bill on the federal level.

Recently, the SSDA-AT working with the Massachusetts Right to Repair Coalition has turned in 102,000 signatures to ensure an initiative petition to enact an update to the Commonwealth's Right to Repair law before it reaches the 2020 ballot.

The Coalition – a group of Massachusetts independent repair shops, auto parts stores, trade associations, consumers and drivers – said that a lack of progress on an update to the law in the legislature led them to pursue an initiative petition so that Massachusetts car owners will continue to have access to the repair and diagnostic mechanical information produced by the vehicle they own.

By 2020, advancements in vehicle technology and increasing restrictions by automakers will result in more than 90% of new cars being equipped to transmit real-time diagnostic and repair information wirelessly to vehicle manufacturers, which could threaten Massachusetts consumers' rights to choose to get their cars fixed at trusted independent repair shops or do the work themselves.

The Massachusetts Right to Repair Coalition supports bipartisan legislation filed in January by 12 State Representatives and two State Senators to update the Commonwealth's Right to Repair law. The bills generated 55 co-sponsors, and if the bill is enacted into law by the legislature in 2020, it would eliminate the need for the ballot question to proceed.

We need to update the Right to Repair law before wireless technologies remove the car owner's right to get their vehicle repaired at our local, independent shop because the automaker would rather steer them toward one of their more expensive dealers. This is a common-sense reform, and we'd love to see the legislature move forward and fix it so that we don't have to go to the ballot to protect consumers' rights to shop around for car repairs.

The ballot initiative would give car owners access only to the diagnostic and repair data generated by their car, and they could opt to provide access to any dealer,



“An Initiative Law to Enhance, Update and Protect the 2013 Motor Vehicle Right to Repair Law.”



repair shop or automaker that they choose during the lifetime of their car.

The Coalition recently delivered its signatures to Secretary of State William Galvin's office. The initiative petition filed is entitled, “An Initiative Law to Enhance, Update and Protect the 2013 Motor Vehicle Right to Repair Law.” The key provision of the initiative is as follows:

Commencing in model year 2022 and thereafter a manufacturer of motor vehicles sold in the Commonwealth, including heavy-duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, that utilizes a telematics system shall be required to equip such vehicles with an interoperable, standardized and open-access platform across all of the manufacturer's makes and models. Such platform shall be capable of securely communicating all mechanical data emanating directly from the motor vehicle via direct data connection to the platform. Such platform shall be directly accessible by the owner of the vehicle through a mobile-based application and, upon the authorization of the vehicle owner, all mechanical data shall be directly accessible by an independent repair facility or a class 1 dealer licensed pursuant



to section 58 of chapter 140 limited to the time to complete the repair or for a period of time agreed to by the vehicle owner for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access shall include the ability to send commands to in-



vehicle components if needed for purposes of maintenance, diagnostics and repair.

Right to Repair remains an important issue to WMDA/CAR and we hope that the efforts in other states and on the federal level will benefit our repair shops back home. ■

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Year in Review in Pictures



General Membership Meeting



Training Day



Golf Outing & Fundraiser



2019 Expo & Awards Dinner



Alzheimer's Association
Check Presentation



East Training Session

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General Membership Meeting photos, January 7, 2020



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.....

*"Between
two evils,
I take
the one I
never tried
before."*

—Mae West in
Klondike Annie

.....

Retail Gasoline Dealers Association of Greater Washington was established in 1936 which we know today as WMDA/CAR. Here is a look at what else was happening that year.

1936 History Snapshot

Politics: The UK's Edward VIII abdicated in order to marry the American divorcee Wallis Simpson.

Movies: Modern Times, San Francisco and Three Smart Girls

Songs: Pennies From Heaven, The Way You Look Tonight, Summertime and I've Got You Under My Skin

World Population: 2,247,000,000

World Series Champions: New York Yankees

NFL Champions: Green Bay Packers

US Open Golf: Tony Manero

US Open Tennis (men/ladies): Fred Perry/Alice Marble

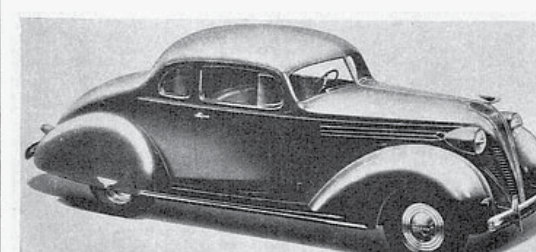
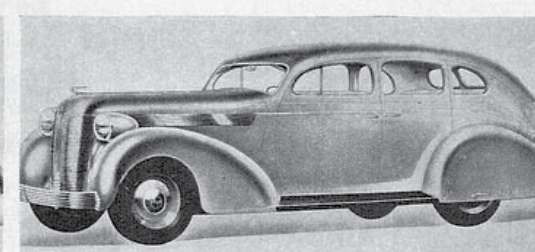
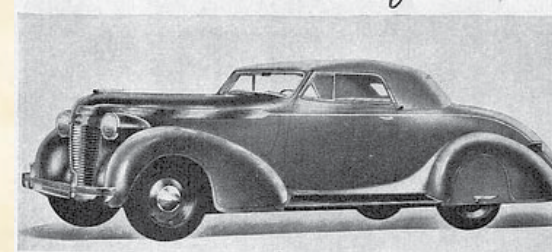
Kentucky Derby: Bold Venture

Stanley Cup Champions: Detroit Red Wings

Miss America: Rose Coyle (Philadelphia, PA)

Time Magazine's Man of the Year: Wallis Simpson

Hoover Dam: Completed on March 1, 1936, two years ahead of schedule.



FASHION ICONS & MOVIE STARS

- ★ Josephine Baker
- ★ Warren Beatty
- ★ Cary Grant
- ★ Joan Blondell
- ★ Claudette Colbert
- ★ Joan Crawford
- ★ Marlene Dietrich
- ★ Kay Francis
- ★ Jean Harlow
- ★ Katharine Hepburn
- ★ Olivia de Havilland
- ★ Hedy Lamarr
- ★ Myrna Loy
- ★ Dolores Del Rio
- ★ Ginger Rogers
- ★ Barbara Stanwyck
- ★ Mae West

1936 Pop Culture History

- **Baseball Hall of Fame** was founded in Cooperstown, New York. Ty Cobb got more votes than Babe Ruth in the inaugural Hall of Fame roster. Ty was a great player, but apparently not well-liked by his peers. Only four members of the Baseball community went to his funeral.



- **Harry Wainwright Jr** was the first president of WMDA/CAR (photo on left), which was then called Retail Gasoline Dealers Association of Greater Washington. He was President from 1936-1946.
- **All restaurants in Wisconsin** were required by law to serve cheese and butter with every meal from 1935 to 1937.
- A **1936 heat wave** killed 5,000 in the United States.
- The **Great Stork Derby** was a contest held in Toronto from 1926-1936, in which women competed to produce the most babies in order to win \$750K as stipulated in the will of a wealthy lawyer. The prize ended up being split among four women who each had 9 babies.
- **Corn nuts** are made by soaking whole kernels in water for three days, then deep-frying them in oil until they are hard and brittle. Albert Holloway came up with them in 1936, selling them to taverns who would then give them away free to patrons, as they were particularly tasty with beer.
- **Geico** (the Government Employees Insurance Company) was founded.
- **Betty Robinson**, an Olympic runner, was involved in a plane crash in 1931 and was wrongly pronounced dead upon first being discovered. She spent 7 months in a coma and it took her 2 years to learn to walk normally again. In 1936, she returned to the US Olympic team and won gold in the relay.
- The concept of having the **Olympic torch run** from ancient Olympia to the host country was invented by the Nazis for the 1936 Berlin Summer Games.
- After Jesse Owens won 4 gold medals in the **1936 Olympics** held in Berlin, Adolf Hitler sent Owens a commemorative inscribed cabinet photograph of himself. Honors were not bestowed upon Jesse Owens by either President Franklin D. Roosevelt or his successor Harry S. Truman during their terms. "Hitler didn't snub me – it was FDR who snubbed me" Owens said.
- The man who finished behind Jesse Owens in the **1936 Olympics** was also black: he was Jackie Robinson's brother, who, upon returning home to California, the only work he could find as an African American was sweeping streets, which he did while wearing his Olympic 'USA' sweatshirt.

Are You Complying with Minimum Wage and Overtime Laws?

SESCO says 81% of Employers Are Not!



By Roy Littlefield

THE FAIR LABOR STANDARDS ACT – commonly known as the Federal Wage and Hour Law – was enacted in 1938 as a remedy to the depression. It specifies a minimum wage, requires overtime pay and places restrictions on child labor. The purpose of the Act was to spread employment by placing financial pressure on employers via overtime pay and to compensate employees for working lengthy hours.

Despite a long history of clarification and education, confusion about the FLSA and resulting non-compliance still exists.

In fact, back wage fines and legal fees resulting in non-compliance of the Fair Labor standards Act remains the number one employer liability when it comes to labor and employment laws. In FYI 2019, the Wage-Hour Division recovered a record \$322 million in wages owed to workers.

Wage-Hour Division Statistics

When we look at DOL investigations, we must consider:

- Fifty-one percent (51%) of Wage-Hour investigations are complaint driven. This means that an employee or ex-employee of the employer has contacted the Wage-Hour Division and made it compliant.
- Forty-nine (49%) of the remaining cases are non-directed meaning that employers are selected “randomly” for an audit. However, we know based on the Wage-Hour Division that they have identified what they call “high violation industries” and have such targeted these employers for investigations. These include: Service Stations and automotive repair facilities are considered “high violation industries”.

Another Concerning statistic is that the Wage-Hour Division has been automatically doubling penalties because their competitor, i.e., lawyers and state court cases apply doubled damages/liquidated damages as part of their cases. Therefore, if investigated and found in non-compliance, the Department of Labor will issue wages due back two (2) years for all current and previous employees. Then they will automatically double these back wages.

Common Minimum Wage Violations

- The current minimum wage is \$7.25 per hour. However, many states and even cities and municipalities have passed their own minimum wage which are higher. You must comply with the highest rate enacted.
- **Can weekly rates be averaged?** The workweek (7 consecutive 24-hour periods starting on any day as selected by the employer) is the basis for establishing a minimum wage rate. Therefore, each week must stand alone, and you cannot average hours in multiple workweeks.
- **Uniform purchase and maintenance** – When employees are required to purchase or clean uniforms, a minimum wage violation will occur if such costs reduce an employee’s wages below the FLSA’s minimum and the week’s uniforms are purchased or cleaned. This same principle will apply to any other required tool, computer, etc.
- **Breakage, shortage and theft deduction** – Deductions from any employee’s

paycheck for losses due to such things as breakage, spillage or cash register shortages are not allowed if the effect would be to reduce the employee’s pay below the minimum rate. Funds allegedly misappropriated may not be deducted if that will cause the wage rate to fall below the FLSA minimum-deductions for theft that result in payment of less than the minimum wage can be made only if a court has judged the employee guilty of criminal misconduct.

Hours Worked

- **What are hours worked?** An employee must be paid for “all hours worked”. That includes the time an employee is required to perform principle activities related to the job on the employer’s premises or a prescribed workplace and also the time an employee performs work with the knowledge of the employer even if no order to work has been given (FLSA calls this “suffered or permitted” to work). Most importantly, this means working before or after hours and at home.
- **Are time clocks required?** Employers must maintain accurate records of time worked by employees covered by the Act, but time clocks or time recordkeeping systems are not required. If an employer uses a time system, voluntary early or late punches may be ignored if no work is performed before or after hours. Permitting employees to forego punching time clocks during lunch does not require lunch periods to be counted as hours worked if employees are relieved of all duties and the lunch period occurs at a regularly appointed time.

Overtime Pay

- **Must unauthorized overtime be paid?** An announcement or policy that overtime work

will not be permitted or that overtime work must be authorized in advance will not always protect an employer. An employee can collect overtime if he or she is suffered or permitted to work extra hours-that is, if the employer or a supervisor actually knows the employee is working overtime or if the overtime appears on payroll records.

- For example, employees have recovered overtime pay despite prohibitions against unauthorized overtime work where (1) an employee field daily reports showing overtime hours and handed them to the keeper; (2) a supervisor knew that an employee was working overtime hours; and (3) an employee consistently started working in the morning before regular hours.
- **What is the correct overtime rate?** The FLSA overtime rate

is one and one-half (1.5) of an employee’s “regular rate.” The regular rate generally means and hourly rate-it is roughly equal to straight time earnings divided by hours worked. Because overtime is figured on a weekly basis, the regular rate must be computed each week. What is critical and one of the most common violations is that the employee’s regular rate does not mean an employee’s hourly rate. The regular rate must also include bonuses for accuracy of work, attendance, continuation of employment relationship, incentives, production, quality work, contest prizes, shifts differentials and many other payments. These payments must be included in the computation of the regular rate which, in turn, increases the coast overtime. ■



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