

January 15, 2014

Catching up with our clients . . .

What do you and Lady Gaga have in common?

You and Lady Gaga, like all employers in the United States, must comply with wage and hour laws. This includes classifying your employees appropriately as exempt or non-exempt from overtime and paying overtime for hours worked in excess of 40.

In December 2012, Lady Gaga's personal assistant on her Monster Ball tour, who was paid a salary of \$75,000, filed a lawsuit against Lady Gaga's touring company in New York City, claiming that she was misclassified as a salaried (exempt) employee, and was owed \$380,000 in overtime pay since the singer required her services almost around the clock. About a year later, the case settled after Lady Gaga at a deposition admitted that her personal assistant's position did not involve much, if any, discretion or independent judgment – the critical factors necessary to make her exempt from being paid overtime.

This case is a reminder that everyone who has employees – whether you are a celebrity, an individual, a non-profit company, a family-owned business – you must comply with state and federal wage and hour laws. Some of the thorniest issues of wage and hour law involve whether employees are classified properly as exempt or non-exempt and whether they are owed overtime.

This case brings up issues that you as an employer may face:

- ★ Are your employees properly classified?
- ★ Do your exempt employees actually meet the exceptions for bona fide executive, professional, administrative, computer or outside sales categories – based on job duties, not job titles?
- ★ Do your payroll records accurately reflect time the employees are working so that they are being paid correctly for time worked?
- ★ Is there a question with on call time, or working outside of regular work hours?



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Events

On April 11, 2014, Justine will be a featured speaker at the Boston Society of Architects Women's Principals Group presenting on the topic "Stand Up & Push Back: Understanding & Conveying Your Own Value."

On December 6, 2013, Nina was a panelist presenting on "The 21st Century Discrimination Case: Where Are We Now?" at the Massachusetts Continuing Legal Education annual Employment Law Conference.