

4th Annual Women Building Businesses Conference



**Christina Reger,
Esq.**



HR Tips for Small Business



HR TIPS
FOR SMALL BUSINESS



PRESENTER

Co-Founder of
Loutel

What is Loutel?

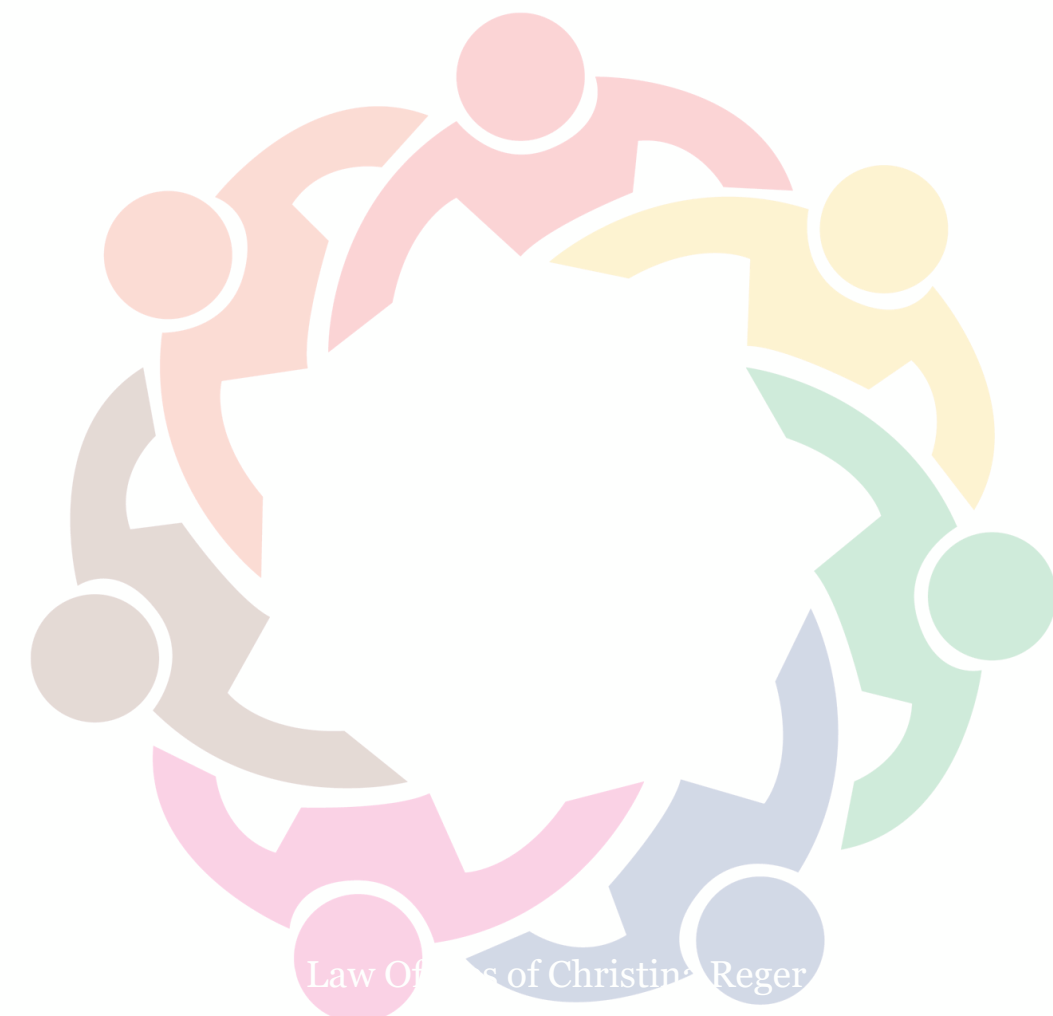
WHERE EMPLOYMENT LAW MEETS WORKPLACE CULTURE



Christina M. Reger, Esq.

THANKS AND DISCLAIMERS

- NOT giving legal advice
- Attending this presentation does NOT create attorney-client privilege
- Happy to answer questions throughout the presentation
- All questions submitted will be answered generally - not specifically





Agenda

1. The Importance of Doing It Right
2. The Independent Contractor Dilemma
3. Wage & Hour Audits on the Rise
4. Remote Workers and Operating in Multi-Jurisdictions
5. The I-9 Update



PART ONE

The Importance of Doing It Right

MAKE IT OFFICIAL

- Get an EIN
- Start an LLC

Why do I need an LLC?

- ❑ Protect yourself
- ❑ Protect your brand
- ❑ Impact on taxes
- ❑ Open bank accounts
- ❑ Enter contracts
- ❑ Get business licenses and permits

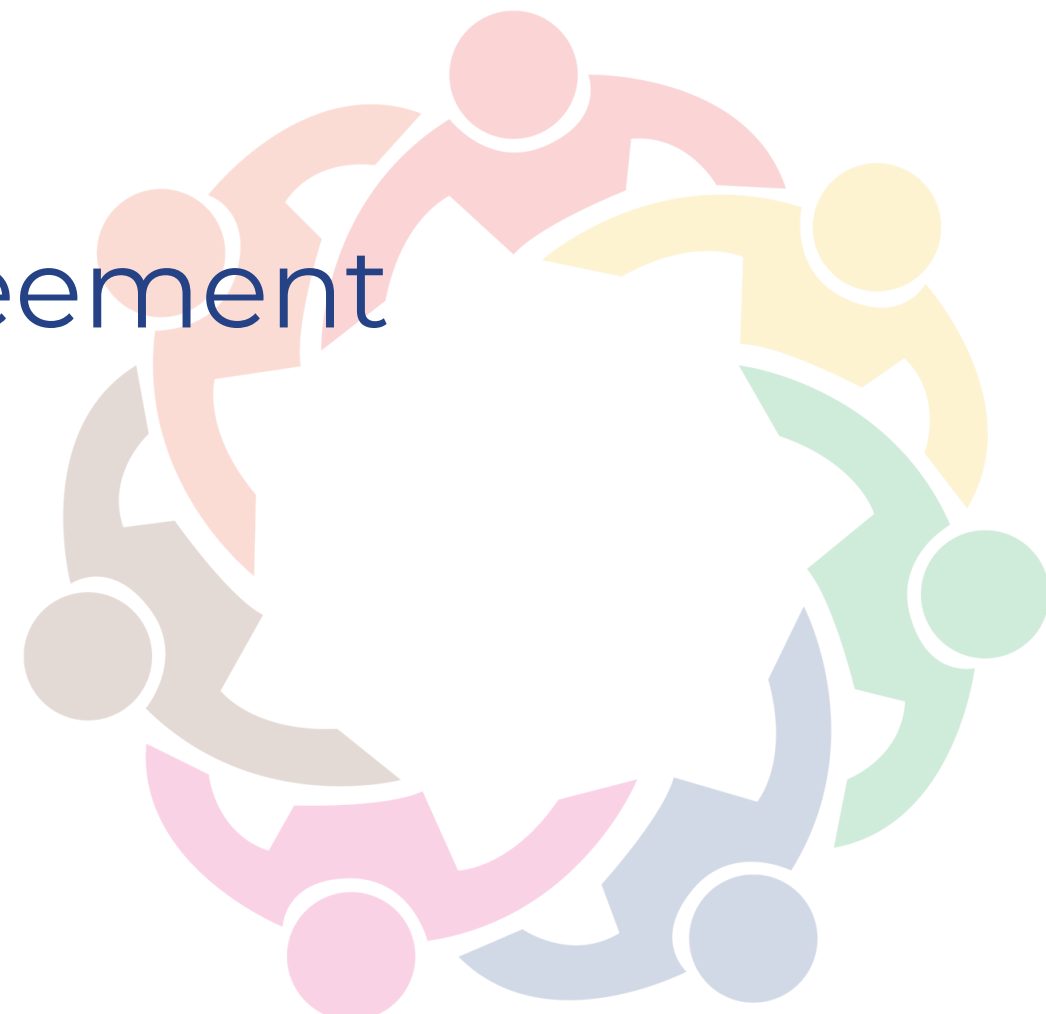


HOW DO I PROTECT MYSELF?

- Corporate Structures protect your personal assets
- Multi-level LLCs

Bringing on a Partner?

- The Importance of Having an Operating Agreement
 - ❑ Decision-Making
 - ❑ Dispute
 - ❑ Banking





PART TWO

The Independent Contractor Dilemma
The Fair Labor Standards Act

PROPOSED NEW RULE – HERE WE GO AGAIN

Totality of the Circumstances Test

- (1) Worker's opportunity for profit or loss
- (2) Investment by worker and employer
- (3) Permanence
- (4) Nature and degree of control over the work
- (5) Integral part
- (6) Skill and Initiative

RESULT: More workers are employees

Why is that important?



COMMENTS/CONCERNS WITH NEW RULE

Do not capture the American workforce

Impact on gig workers

Impact on small or micro business

Administrative burden to businesses



HOW TO PROTECT YOURSELF

FIRST

- Examine what you need worker to do
- Length of time for proposed work
- Control over work
- Look at Totality Factors

THEN

- Have a good independent contractor agreement
- Encourage EIN/LLC if worker does not have
- Business Cards





PART THREE

Wage & Hour Audits on the Rise

THE BIG BAD WOLF IN THE CLOSET



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Agencies

- U.S. Department of Labor
- PA Department of Labor
 - Wage & Hour Division
 - UC Division
- Philadelphia Department of Labor –
Wage Theft Claims – What is that?!?

Focus

- Pay Practices and Deductions
- Worker Misclassification
- Remote Work Policy
- UC Tax

MORE WAGE & HOUR

SELF AUDIT

- ICs really Independent?
- Exempt Employees qualify - duties
- Break Time/ Overtime / Minimum Wage





PART FOUR

Remote Workers and Operating in Multi-Jurisdictions

NEW CONSIDERATIONS FOR BUSINESSES

- Taxes
- Registration
- Permits for Remote Workers
- Worker's Compensation



MORE CONSIDERATIONS FOR BUSINESSES

Unemployment Compensation

Minimum Wage Requirements

State Leave Laws

State EEO Laws





PART FIVE

The I-9 Update

I-9 UPDATE

- COVID Flexibilities expired
- Aug 30, 2023 deadline
- Complete in person review of virtual hires





QUESTIONS?

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