



# Navigating the Maze: HR Compliance Challenges in 2024

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# Today's Presenters



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# HR COMPLIANCE ISSUES

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# Minimum Wage Rates on the Rise

Location	2024 Minimum Wage Rate (Hourly)
New York State	\$15
NYC/Westchester/Long Island	\$16
Connecticut	\$15.69
Massachusetts	\$15
New Jersey	\$15.13

# Minimum Salary Requirements for Exempt Status

- US DOL final rule on white collar exemptions coming in April
- Applicable to:
  - Executive, administrative, and professional exemptions
  - Highly compensated employees
- 2024 NYS threshold
  - \$1,200/week (downstate)
  - \$1,124.20/week (upstate)



# Call-In Pay for New York State

- Non-exempt employees may be entitled to call-in pay even if not assigned actual work
- Hospitality workers: 3 hrs pay
- Private workplaces: 4 hrs pay
- May not apply to all industries
- May not apply if covered by CBA



*Total compensation would need to be evaluated for the week to determine full amount of call-in pay owed to a non-exempt employee.*

# New York State Pay Frequency

- Clerical and other non-manual workers: no less than semi-monthly
- Manual workers: weekly
- Who is a manual worker?
- Obtain advance consent in writing prior to paying wages via direct deposit



# Enhanced Criminal Liability for Wage Theft

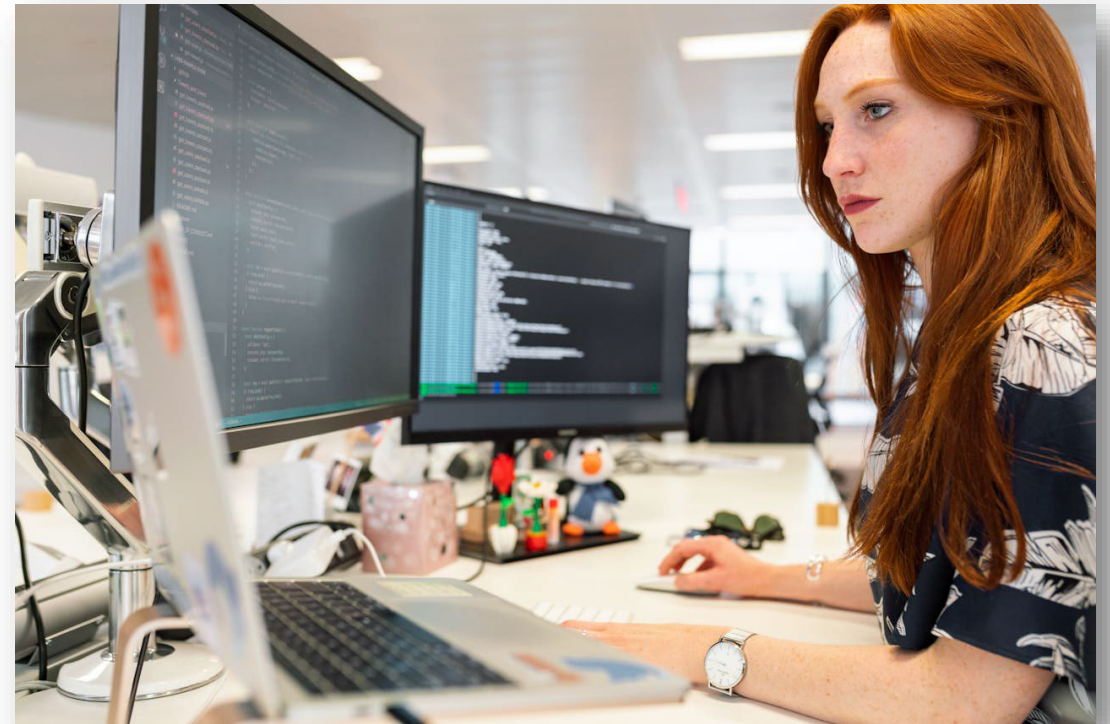
- New York Penal Law amended in Sept. 2023
- Wage theft now considered criminal larceny
- Employers can be charged if wages not paid correctly





# Misclassification of Independent Contractors

- Misclassifications becoming more frequent
- 1099 v. employee depends on various factors
- Review behavioral control, financial control and the relationship of the parties



# Misclassification of Independent Contractors

- DOL issued final rule effective March 2024
- Based on six-factor economic realities test
- As a matter of economic reality is a worker economically dependent on the employer for work?
- Review NYS guidance: <https://dol.ny.gov/independent-contractors>



# Child Labor Laws

- May be restrictions on number of hours worked and schedule
- Always ask for working papers
- Retain working papers for duration of employment
- Ensure proper provisions for position



# HR Recordkeeping

Personnel File	Medical File	Form I-9 File	Confidential File
Application	Paid Family Leave Requests	Form I-9	Workers' Compensation
Offer Letter	Enrollment Paperwork	Documentation	Investigations
Employment Agreement		Remedy Log for Form I-9 Audits	Privileged Attorney Communications
Performance Review			Litigation
Written Warnings			
PIPs			
NYS Wage Theft Prevention Act			
Handbook Acknowledgement			
Sexual Harassment Training			
Certificate of Questionnaire			



# HR AUDITS

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# What is an HR Audit?

- Objective examination of HR policies and procedures
- Identify and remedy possible exposure
- HR Audits can look at compliance, best practices, performance, and competitiveness



# HR Audits through GTM

- Executed by an experienced HR consultant
- Gather information from internal HR and third-parties
- Records reviewed and issues identified and presented
- HR consultant can help remedy any issues



# About GTM

- Industry-leading HCM technology
- Best-in-class HR consulting services
- Customized business insurance and employee benefits
- Dedicated, local support
- Serving the Capital Region for 30+ years





# QUESTIONS

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# Continue the Conversation...



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