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# FOCUS

Stowe Associates Insurance and Compliance Tips Newsletter



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**Learn about our suite of services available at no additional cost!**

**During the economic downturn and resulting budget cuts, many employers are having difficulty funding all of their Risk Management and Human Resources functions and services. In this era of ever increasing employer liability it is more important than ever to comply with government regulations. Stowe Associates offers many complimentary compliance assistance services.**

**For more information or to request a no obligation demonstration contact your Stowe Associates representative or Alison Smith at [asmith@stoweassociates.com](mailto:asmith@stoweassociates.com) or 770-451-6222.**

## **Levi Strauss Agrees to Pay More than \$1 Million in Overtime Back Wages to Nearly 600 Employees Following US Labor Department Investigation**

**Overtime violations found at retail stores nationwide.**

Levi Strauss & Co. has agreed to pay \$1,011,413 in overtime back wages to 596 employees nationwide after the U.S. Department of Labor found that the company violated overtime and recordkeeping provisions of the federal Fair Labor Standards Act.

An investigation conducted by the San Francisco District Office of the Labor Department's Wage and Hour Division determined that the San Francisco-based company misclassified several groups of workers, including assistant store managers of newly acquired stores, as exempt from overtime.

The company failed to record all hours employees worked in its payroll system. Instead, the misclassified assistant store managers were required to work off-the-clock during late night closings, early morning openings and staffing shortages. Various administrative employees working at the company's headquarters also were misclassified as exempt from FLSA coverage and found to be owed overtime back wages.

This investigation covered back wages for time worked over a two-year period. Levi Strauss has agreed to pay the back wages and committed to upgrade its time and attendance system, as well as maintain future compliance with the law. The applicable employees are now treated as non-exempt under the FLSA.

**FOCUS****Stowe Associates Compliance Tips****Maximize Your Spirometry Testing and Surveillance Resources**

Spirometry is a common type of pulmonary function test that measures how well a person can move air in and out of their lungs. In occupational settings, spirometry can be used to establish a baseline before assigning a worker to job tasks that are physically demanding, that require the use of a respirator, or that may expose the worker to respiratory hazards. It is also used to track lung function over time and to evaluate workers who experience signs or symptoms of respiratory disease.

**The Need for Spirometry Testing**

Spirometry testing is required for some workers by OSHA standards. Accurate spirometry testing, interpretation, and follow-up are critical to effective screening and surveillance of workers exposed to respiratory hazards. Technically poor spirometry is of little value to the purchaser of these services and may provide misleading information.

**Checklist for Employers**

Critical elements of spirometry testing that maximize your company's resources and should be considered for inclusion in required contracts include:

**Technicians and Clinical Healthcare Professionals**

Technicians who perform testing should have successfully completed a National Institute for Occupational Safety and Health (NIOSH) approved course, or equivalent, within the past 5 years. A certificate should be available for you to inspect.

**Spirometry Equipment**

A letter from the spirometer manufacturer indicating successful validation testing of the spirometer, following current American Thoracic Society/ European Respiratory Society standards, should be available for review.

The spirometer's calibration is checked by the technician each day of use. Records of daily spirometer calibration checks should be maintained and available for review.

**Interpretation of Results**

Worker's results are compared to normal values. The report should specify the source of the normal or predicted values. If the testing satisfies a regulatory requirement, then the appropriate predicted values must be used.

Current worker's results are compared to his or her previous baseline values, if available. This is the preferred method of evaluating change over time.

**Reporting of Results**

The healthcare professional reports the results to the worker indicating how the worker's results compared to the normal range and whether changes over time require further medical evaluation.

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