



**MOHR**

"Providing community life opportunities and employment for Minnesotans with disabilities"

*Minnesota Organization of Habilitation and Rehabilitation*

*Presents*

**Current Enforcement and the Future  
Commensurate Wage Under the FLSA and WIOA**

**By Mark Knuckles Associates, Inc.**  
**(Wage Hour & Human Resource Management Consultants)**

*September 26 & 27, 2017*

*Holiday Inn & Suites, St. Cloud, MN*

**Registration: 8 a.m. September 26<sup>th</sup>**

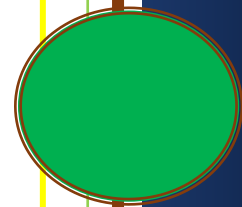
**Conference: 8:30 a.m. – 4:30 p.m.**

**Session Overview:**

Learn the definitions of employ, employee, full-time, part-time, trainee, intern, and independent contractor under the various labor and tax laws including the Affordable Care Act, ACA, and the Workforce Innovations and Opportunities Act, WIOA. The latest Wage Hour enforcement demands with commensurate wages, prevailing rate surveys, time studies, work measurement standards, hourly job ratings and evaluations will be covered. The presenters will discuss in detail the new burden for additional evidence to prove the worker is "disabled for the work performed." Also, the new exempt employee minimum salary requirement and the options for organizations.

If a client/consumer is placed by an organization as part of the "employment first initiative" with employment in a competitive business there are joint employment obligations and joint liability that may exist. Also addressed is when compensable employment occurs with students and trainees in the work exploration, assessment and transition models before the maximum 215-hour limit.

Topics include a review of the WIOA, the effective dates for those under and over age 24 and the Advisory Committee Report and phase out of commensurate wages. Discussion will include a brief review of the ACA and who is subject. The new Government Contractor Minimum Wage (\$10.20) and paid sick leave requirement will be discussed. Topics include the implications of the shift to competitive integrated employment, CIE.



## Tuesday, Sept 26, 2017

### Breakfast from 7 a.m. to 8:30 a.m. poolside

#### Day 1 starts at 8:30

- FLSA, FMLA, IRS, Employer, Employee, Trainee, Intern, Student, or Client, Consumer Worker or Contractor, "Client/Consumer Enterprises"
- Workforce Innovations and Opportunities Act and the Impact of the Providence Rhode Island Settlement
- Who Qualifies for Commensurate Wages - those Age 24 and Under and Those Over Age 24
- What are Compensable Hours of Work with a 14c Special Minimum Wage Certificate
- Why Training and Meetings become Compensable if you Do Not Renew Your Certificate
- How Your Work Day and Program Day Will Change Without a Section 14c Certificate

#### Lunch

- New Exempt Employee Minimum Salary and the Employer Options
- Prevailing Rate Surveys and the New Demands by the WHD and Chicago
- Piece Rate Time Studies the Correct Way
- Time Study Design and Work Method Layout – Length of Study and Ergonomics
- Why You Must and How to Video Record Standards for Documentation
- Chicago's New Demands, How to Complete Certificate Renewal Applications

## Wednesday, Sept 27, 2017

### Breakfast from 7 a.m. to 8:00 a.m. poolside

#### Day Two starts at 8:00 a.m.

- Setting Non-disabled Hourly Job Standards
- Why You Must be Using Comprehensive Hourly Ratings With the Competitive Integrated Employment Initiative and the WIOA
- The New Minimum Salary for Exempt Employees (Executive Directors Need to Hear This)
- Who Can Be Exempt Under the New Tests, Alternative Compensation Plans

#### Lunch

- Compliance with Federal Contracts under the PCA and SCA, New MW and Paid Sick Leave
- Affordable Care Act Compliance, and the Client, Employee, Medicaid and the ACA Issues.
- Counting Employees for the ACA, the Measurement, Administrative, and Stability Periods.
- FMLA Rights of Client/Consumer
- FLSA Record Keeping, Notices and Documentation of Disability
- Investigations and Defensive Strategy, Preparing for an ALJ 525.22 Petition for Wage Review
- Questions and Discussion



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check out our website at:*

*[www.mohrmn.org](http://www.mohrmn.org)*



# CURRENT ENFORCEMENT AND THE FUTURE COMMENSURATE WAGES UNDER THE FLSA AND WIOA

Mark Knuckles Associates, Inc.

September 26 & 27, 2017

Names:

Organization:

Address:

Phone:

Email:

COST: \$425 Non MOHR Members  
\$325 MOHR Members

Registration fee includes continental breakfast, refreshments, lunch, and program materials.

Make checks payable to:

**MOHR**

c/o Polk County DAC  
515 5<sup>th</sup> Ave S  
Crookston, MN 56716  
218-281-4181 Ext 0  
Email: [dac@midconetwork.com](mailto:dac@midconetwork.com)

Do NOT send to TSE,  
Mike Burke or Anni.  
Please send to the  
Polk County DAC.

***MOHR members must register before July 26 to ensure you have a seat. High registration is expected and the conference will be opened to non-MOHR members after July 26th. The registration deadline is September 1, but space is limited. Registration will close when all spaces are reserved.***

## Holiday Inn & Suites

75 – 37<sup>th</sup> Ave S, St. Cloud, MN 56301

Blocked rooms under MOHR for September 26 and 27<sup>th</sup> are available at a group rate of \$91.95-\$104.95 until September 8, 2017. Book rooms by calling 320-253-9000

### Mark Knuckles Associates, Inc. (MKAI)

MKAI is recognized as the nation's leading authority and trainer with the FLSA and the Commensurate Wage law. An Administrative Law Judge recently recognized Mark Knuckles as a Commensurate Wage Expert. MKAI Clients include public and private CRPs (workshops), for profit & not-for-profit, state agencies, state & local MH/MR/DD/SA and VR programs, group homes, ICFID-DDs, city & county governments, restaurants, accounting firms, manufacturing and others. MKAI developed the only commensurate hourly rating method ever approved as compliant by a USDOL Administrative Law Judge. MKAI methods have won the praise of investigators.

As a former US Department of Labor investigator, Mark Knuckles was a FLSA Section 14 sheltered workshop specialist. He and Ken Bathurst, retired WH investigator and co-presenter, know the enforcement side and the burdens and demands. As an investigator, Mark successfully obtained litigation in Federal Court against a sheltered workshop. He received awards for his investigative work. Mark recently testified for more than 12 hours for the respondent CRP in an Administrative Law Judge Hearing in a Part 525.22 Petition for Wage Review.

Mark has been a member of the Society for Human Resource Management, SHRM, has earned the SPHR, Senior Professional in Human Resources, certification by HRCI, the Human Resource Certification Institute and the SCP, Senior Certified Professional, designation from SHRM. The conference has been approved for 12 professional recertification credit hours from SHRM and HRCI.

Ken Bathurst, who retired in 2009 after 22 years as DOL Wage Hour Investigator, specializes in FLSA compliance, FLSA exemption determinations, investigation assistance and Section 14c certificate application reviews and problem resolution. He served as the Amish Child Labor (CL) and FLSA Coordinator for the NE region.