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### Economic Problems Expected to Drive More Wage-Hour Suits in 2010

The top 10 private wage-and-hour settlements, paid or agreed to, in 2009 under the Fair Labor Standards Act (FLSA) totaled \$363.6 million, a 43.9% increase from 2008. It is expected that 2010 will be even more aggressive in bringing class action and collective action litigation against employers.

The lawsuits typically allege failure to pay overtime, often by misclassifying hourly workers as being exempt from overtime.

Key trends in federal and state courts last year included:

- Wage-and-hour litigation continued to outpace all other workplace class actions
- The Obama Administration's emphasis on regulation and enforcement lead to more government-initiated litigation over workplace issues, and employers are expected to encounter more investigations and governmental enforcement lawsuits in 2010
- Cutting-edge develops spread rapidly among plaintiffs lawyers
- The financial stakes continue to increase "plaintiffs lawyers have continued to push the envelope in crafting damages theories to expand the size of classes and the scope of recoveries," a trend that is "unlikely to abate in 2010"

Article provided by "Business Insurance" Magazine, January 2010.

### Facing Uncertainty? Build a Foundation for Change

The recent economic challenges bring a set of problems for which there are few easy answers. These are uncharted waters for many leaders, especially for young leaders with little to no experience leading a company or a division through a deep recession. In these situations, effective leaders seek out objective data, constantly monitor financial performance and develop specific action plans. However, many of the difficult decisions leaders face in a bad economy outstrip the utility of a purely rational numbers-based approach.

Consider the example of a leader facing the decision of whether to lay off additional people or cut one's own salary along with the salaries of the executive team. Clear-eyed analysis and evaluation of various scenarios will only take the leader so far. In the end, leaders need to take a hard look inside to find the right decision. When facing these situations, great leaders rely on personal purpose and core values.

Leaders who do not have a strong foundation in place run many risks in a bad economy. One of the risks is burnout, which at its root is more about losing the connection with your purpose and values than it is about long hours on the job. Another risk for leaders who lose their bearings comes from spending all of their energy dealing with immediate crises and problems. They tend to neglect the actions that restore energy like serving the community, exercising, spending time with the family or even simply taking time to think and reflect. Leaders who can clearly articulate an unchanging core purpose and clear values are less likely to lose their bearings when times get rough.

### Setting a "Social Media" Policy

A Social Media Policy/Guidelines provides guidance for employees' use of social media, both personally and professionally.

- A policy/employee guideline will reduce employee confusion and set specific standards
- Make the current ethical policies apply directly to social media; protect companies against reputation damage online; and supply employees with ways to benefit the organization while remaining ethical
- Companies should build a social media task force by choosing a task force leader, downloading conversations and using experts.

For additional information on all employee policies, consult your employment law attorney or your HR representative.

Article provided by "Best's Review", January 2010

### Welcome the Newest Member of the WGBCO Team

Please help us welcome the newest member to the Commercial Lines Service Department, Lynne Ludwig. Lynne earned a degree in Health and Safety and has over 30 years in the insurance industry.



Lynne Ludwig, CPCU, ARM, CRIS  
Commercial Lines Account Manager  
916-380-5353 (direct phone/fax)  
[lludwig@wgbender.com](mailto:lludwig@wgbender.com)



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