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regularly.

- 7) Schedule downtime.
- 8) Schedule work according to your energy patterns.
- 9) Do not undertake more than one stressful activity at a time.
- 10) Engage in outside physical activities.
- 11) Break complicated projects into smaller parts.

- 12) Delegate authority.
 - 13) Learn to say "no."
 - 14) Improve your work skills by learning new techniques.
 - 15) Learn to relax.
- Another Jadin suggestion—one that Bill would do well to follow—is to have a certain "detached concern" in your dealings with other people.
- "Learn to appreciate them," Jadin notes. "You don't have to be a friend or

pal, but there's (also) no reason to get hostile or defensive or sarcastic.

"Practice being genuine. There are people who feel they have to put an emotional uniform on the job, when all they have to do is the job. If you're a clown, be a clown...if you're a jerk, be a genuine, good jerk."

Above all else, be good to yourself. As Thomas Jefferson once said: "It is neither wealth nor splendor, but tranquility and occupation which give happiness."

Begin thinking about next season's pay system NOW

Options are available to help you and flatten your payroll, especially in times of huge overtime payments.

by Ron Hall,
Senior Editor

■ Mid-summer is a poor time to revise a technician pay system. Technicians are battling the heat, the work is hard, and the good people who have helped you through the hectic spring don't need any surprises now.

But mid-summer is a good time for a company owner or golf superintendent to

gather notes and mull improvements for next system's technician compensation package.

Many supervisors/owners pay technicians an hourly rate plus time-and-a-half for overtime. When the technicians work, they're paid; when they don't they're not, for instance when it rains. This system is easy to understand, both for the employer and for the employee.

But it's not necessarily the best pay system for every situation.

One reason for this is overtime. Production pressures often dictate that technicians work more than 40 hours per week during the growing season. Employees that are not exempt from overtime must be paid extra for any hours over 40 that they work in a particular work week. Technicians are not exempt from

overtime pay although most administrative, executive, professional, and outside sales people are.

Assuming that the technician is making \$7.50 per hour for 40 hours under the most common pay system used in the industry, the overtime pay is \$11.25 per hour over 40 hours—time-and-a-half. For a 60-hour week, the technician receives \$300, the 40-hour wage, plus \$225 representing the 20 overtime hours multiplied by \$11.25.

But there's another system that might fit some situations better. It's the so-called fixed-salary-for-fluctuating-work-week system. One of its most obvious benefits is that it flattens otherwise huge overtime costs.

In this system the technician receives a salary instead of an hourly wage. Let's

PAYMENT PLANS

HOURS WORKED	'TIME-&-1/2' PLAN	'FIXED SALARY' PLAN
32-hr. (weather-shortened 4-day week)	\$240	\$300
40-hr. (normal week)	\$350	\$300
60-hr. (normal week + 20 hr. O.T.)	\$525	\$300

*all earnings based
on \$7.50 an hour wage

make the salary \$300 for the customary 40-hour week. With this system, the technician receives \$300 even if production is halted, perhaps by a rainy day.

A fixed salary for a fluctuating work week can be confusing to workers, so put it in writing, and review it thoroughly.

But, what if the technician works 60 hours, the typical 40-hour week plus 20 hours overtime, in the week?

By dividing the 60 hours into the salary, the salary amounts to \$5 per hour. Then, to pay for the 20 overtime hours, the \$5 is halved and the resulting \$2.50 is added onto the \$5 hour rate—time-and-a-half. The cost of the 20 extra hours of overtime in this system is \$50 instead of \$225.

"If you follow the rules for fixed salary, you can do it that way," says Richard Lehr, general counsel to the Professional Lawn Care Association of America. "Your labor costs will not be so distorted during the busiest time of the year," he adds.

Lehr admits that a fixed salary for a fluctuating work week can be confusing to employees, so he suggests that the employer put it in writing and review it thoroughly with employees. In fact, Lehr suggests that employers have technicians sign off on it prior to starting their employment.

What about production incentives? They can be added to either system, says Lehr. But employers might have to tinker with their particular system. Wages that are too high or incentives that are too difficult to attain will discourage their intended results.

Some other points that Lehr thinks lawn care employers should be aware of:

□ The work week does not have to start on Monday and end on Friday. It can start on Saturday and end the following Friday, for instance. For legal purposes a work week can be any consecutive seven-day, 168-hour period.

□ Keep accurate records about the hours each employee works and the pay they receive. Keep these records three years, the statute of limitations.

□ If an employee puts down an inaccurate number of hours worked on their

WAGE-AND-HOUR INVESTIGATION: WHAT A DRAG

■ Just because a wage-and-hour investigator shows up, don't automatically assume the worst. You, as an employer, have some some rights too.

But, why would one show up at all? Usually the investigator is responding to a complaint filed by a disgruntled employee, past or present. It's not likely the Wage & Hour Division of the Department of Labor is conducting a spot check. They have too few officials for this.

Richard Lehr, general counsel to PLCAA, says a wage-and-hour inquiry is never pleasant. But an employer can take some steps to take some of the sting out of it.

The owner has a right to ask the nature of the investigation, but the official will not reveal who initiated the action. Although the investigator will want to review payroll records (as far back as three years if they want to), they don't have the right to remove them from your premises, says Lehr. Also, they don't have the right to confidential payroll information such as the owner's salary.

An investigator will want to see a record of the hours that employees worked; they'll review time cards and

whatever other documentation you can provide. The regulator may, in fact, want to interview some of your employees. If so, it would probably be better for you to talk to them first and tell them why the interview is being conducted. You'll also want to inform them that, although they may be asked to sign a statement, they're not required to. (The investigator will probably not tell them this.)

Don't be too quick to conclude that there has been a violation in your company; the investigator is not as knowledgeable about your operation as the senior people in your office. If possible, do your own research to see where you stand.

Lehr suggests that the employer maintain a professional, firm and, if possible, cooperative relationship with the investigator. These officials often have to make judgement calls, so why intentionally antagonize them.

And if there is a wage-and-hour violation? Lehr suggests attempting to solve it at the investigation stage before it gets to the solicitor's office.

"Wage and hour violations are expensive," says Lehr.

—R.H.



time card, you have the right to cross through the incorrect information, date it, initial it and tell the employee that you did it.

□ Insist that workers punch in at the correct time.

□ Tell employees the amount of time they may take for lunch and the amount of time that's going to be deducted. Allowing employees to work through lunch is generally not a good practice. If an employee has to, it should be substantiated.

"You have more control over a pay system as a cost item than you may think that you do," says Lehr. But, to be effective, the pay system must benefit the company, be acceptable to employees, and be efficient and implementable.

If an employer has any questions about the legality of their pay system, or

changes to their system, they should check with appropriate counsel, or state or federal officials. Violations of Wage & Hour Law can subject an employer to severe financial penalties.

Lehr says the best time to make changes to a pay system are, generally, at the start of a new year, at the beginning of the production season, and on the anniversary of an employee's hire date.

Of course, an employer should be aware of, and closely tracking their system at all times, even in mid summer.

—Lehr is a member of the labor and employment law firm of Lehr, Middlebrooks & Proctor, P.C., Birmingham, Ala. He has spoken at each of PLCAA's 15 annual conferences. The information for this article comes from his presentation at the 1994 conference.