

**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED / LEGAL COMPLIANCE
MEMORANDUM**

TO: [Management/Human Resources/Partners]

FROM: [Your Name/Legal Department]

DATE: [Date]

SUBJECT: Urgent Notice: FLSA Misclassification Risk Regarding Legal Support Staff

Dear [Recipient Name],

This letter serves as a formal advisory regarding the current classification of certain legal support positions within the firm, specifically [Job Titles, e.g., Paralegals, Legal Assistants].

Based on a recent review of job duties and Department of Labor (DOL) guidelines under the Fair Labor Standards Act (FLSA), we have identified a significant risk of misclassifying these employees as "Exempt."

Key Areas of Concern:

- **Administrative Exemption:** Most legal support staff do not exercise sufficient "discretion and independent judgment" regarding matters of significance to qualify for the administrative exemption.
- **Professional Exemption:** Paralegals generally do not qualify for the learned professional exemption as their duties do not require an advanced specialized academic degree as a standard prerequisite for entry.
- **Salary Basis:** While many staff members may meet the minimum salary threshold, the "duties test" remains the primary factor for litigation and DOL audits.

Potential Liabilities:

Failure to correctly classify these employees as "Non-Exempt" may result in:

- Claims for unpaid overtime compensation (going back up to three years).
- Liquidated damages (double the amount of back pay).
- Civil money penalties and mandatory legal fees.
- Comprehensive DOL audits of all firm payroll practices.

Recommended Action:

We strongly recommend an immediate audit of all legal support job descriptions and time-tracking procedures. It is advised that the firm transition at-risk positions to non-exempt status to ensure compliance with federal and state wage and hour laws.

Please contact me to schedule a meeting to discuss the implementation of these changes and the communication strategy for affected staff.

Sincerely,

[Your Signature]

[Your Title]