HNTB and INDOT Win the Grand Project Award

The 2019 Engineering Excellence Awards recognized 20 engineering achievements based on uniqueness, originality, technical complexity, social and economic value, and public awareness.

The Grand Project Award was presented to HNTB and owner INDOT for the I-69 Section 6 Tier 2 Preliminary Design and Environmental Impact Statement. This complex, $1.5 billion project will upgrade 26 miles of SR 37 to create the new I-69. The project extends from Martinsville to I-465 in Indianapolis and includes adding capacity on 5.6 miles of I-465 from Mann Road to US 31. SR 37 has 87 access points via residential and commercial driveways, local and state roads. Preliminary design activities included developing and refining alternatives, traffic and hydraulic analyses, utility coordination, structure sizing, ground survey, and evaluation of interchange, geotechnical, and pavement. Environmental activities included environmental justice outreach, delineating 200 acres of wetlands and 50,000 liner feet of stream, modeling 90,000 linear feet of noise barrier with 700 potentially affected residences, and evaluating 560 potential relocations and Section 4(f) resource impacts.

ACEC Indiana President Shelby Swango, WSP USA, presented the awards with entertaining hosts Dave Dugan and Pat Long, Indiana Chapter - ACPA. Thank you to major sponsor Professional Design Insurance (PDI) Management Corp., represented by Ken McComb, for helping make this event a success. View Photos and full project descriptions on ACEC Indiana’s website here: http://www.acecindiana.org/default.asp?page=EEA.

Thanks to Jim Reid, Anchor Media for taking the professional photos. For electronic copies of the plaque photos, email scourtney@acecindiana.org.

Nominations for ACEC Indiana Board of Directors

ACEC Indiana’s Nominating Committee requests your nomination for members of the Board of Directors. It is the intent of the nominating committee to identify members who can contribute to the policy shaping for ACEC Indiana.

Directors will be elected by the ACEC Indiana membership, each to fill a three (3) year term. The incoming Board will take office on July 1, 2019. Click here to learn more.
The New Proposed Overtime/Minimum Salary Rule

On March 7, 2019 the U.S. Department of Labor (DOL) announced its new Overtime/Minimum Wage Rule, evoking in some employers a slight feeling of déjà vu. In the Fall of 2016, a federal judge blocked DOL from implementing an earlier incarnation of the rule that would have significantly increased the minimum salary for employees classified as exempt under the Fair Labor Standards Act (FLSA). The DOL went back to the drawing board, and it’s been working on a revised regulation ever since. Its new proposal for the “Minimum Salary Rule 2.0” exceeds 200 pages, but @HoosierHRLawyer prefers bullet points where possible (actually, one of my mentors taught me to hate bullet points, so here’s some ordered lists instead):

What’s The New (Proposed) Rule Say?

A lot, but here are major highlights:

1) The Minimum Is Going Up. Employers in the 50 U.S. States will need to pay employees classified as “white collar exempt” (administrative, executive, or professional) at least $35,308 annually ($679 per week). This is an increase from the current rule, which requires only $23,660 annually ($455 per week). If you don’t pay your exempt workers the minimum salary (consistently each week), you can’t treat them as exempt, and they’re eligible for overtime.

2) Some Credit For Commissions/Bonuses/Etc. Certain nondiscretionary bonuses and incentive payments (including commissions) may satisfy up to 10% of the salary requirement.

3) Highly Gets Higher. “Highly Compensated Employees” (a separate category from the white collar exemptions) must be paid at least $147,414 per year (up from $100,000).

4) Periodic Updates. DOL plans to revisit (which most likely means “raise”) the salary levels every four years.

What’s Should Employers Do (And When?)

A. Don’t Make Changes Right Away. DOL has issued a proposed new rule that they expect will go into effect in January of 2020. A lot can happen between now and then, so don’t rush into anything right away.

B. Don’t Backburner This Either. Employees may have questions, and you want to know what you’re talking about if they ask. Also, salary or classification changes take time to think through and implement.

C. Identify Who’s Affected. At a minimum, top management should be reviewing what positions currently are classified as exempt and flagging those being paid below the newly-proposed minimum.

D. Figure Out What’s Best For Your Business And Budget. Determine whether you’re going to: (i) keep affected employees as exempt (i.e., pay them more); OR (ii) reclassify them as non-exempt (meaning they get overtime for any hours worked over 40 in a workweek).

E. Develop Your Talking Points. Think through how to communicate your changes — or your lack of changes — with affected employees (and maybe those who aren’t). Be prepared to educate, and bust myths (misconceptions abound in the world of wage-and-hour laws).

Don’t Miss The Bigger Picture. Use the buzz surrounding this proposal as an opportunity to find and correct other lurking payroll-related problems. Keep in mind that paying exempt employees the proper minimum isn’t enough: their job duties have to fit at least one recognized legal exemption (and many – perhaps most – don’t), and you can’t reduce their salary except in a few narrow circumstances. By design, most positions are not exempt, and “we’ve always classified that position as exempt” or “our industry treats that position as exempt” will not satisfy DOL, courts, or plaintiff’s lawyers, and the longer it’s been since you’ve audited your payroll practices, the more likely you have FLSA misclassification problems. Fixing them can be delicate and time consuming, and the remaining months of 2019 may be your best opportunity to do just that.

From Joe Pettygrove (jpettygrove@kgrlaw.com, @HoosierHRLawyer) And