



# LEGAL WEAPONS

FOR THE WORKING WOMAN

November 2011

RUPP, BAASE, PFALZGRAF,  
CUNNINGHAM & COPPOLA LLC  
*Attorneys at Law*

*Legal Weapons* provides useful legal information and resources for successful businesswomen.

## BUFFALO RANKED #1 FOR WORKING MOMS

Congratulations to Buffalo for being ranked the number one city in the country for working mothers and their families by *Forbes Magazine*! We are grateful that Buffalo's assets provide a great working environment for families including short commutes, good schools, and a relatively low cost of living. The article also noted an uptick in female entrepreneurship in the area that has contributed to a family-friendly work culture. As a business owner, you may want to consider offering flexible work schedules, maternity or adoption benefits, or other incentives but may be unsure of the pitfalls or how to protect your company. Here is some guidance.

### FLEXIBLE SCHEDULES CAN HAVE COSTS

In the city voted number one for working mothers, creating flexible schedules and allowing employees to work from home can provide immense benefits for employees. But, before you decide this is a "no-cost" benefit, be sure to consider some implications for your business.

#### Do You Know Where Your Confidential Information Is?

When employees work off-site, they may have to take the work with them. While this does not pose a problem in most cases, it might if information that leaves your office is proprietary business information or confidential client information. The file, laptop, iPad, Blackberry, or jump drive that sits on or in your employee's dining room table, car, briefcase, or other non-secure spot easily could be lost or stolen. That information simply is not safe.

*Working from home is a wonderful benefit, but both employer and employee must be willing to take steps to minimize the risk to the employer.*

Of potentially more concern to you is the fact that the law does not protect information that **you** do not protect. Your confidential customer lists, business plans, financial analyses, and other proprietary information that normally would be protected in the eyes of the law loses that status when your employees take it home.

But you can ensure that it is protected if you take precautionary measures to keep information confidential, such as using a

password-protected program accessible to only select employees or a secure remote-access program that will allow your employees to access information on their work computers from home.

The most highly-confidential information should never leave the premises or be accessible from an outside location. Less sensitive information can be accessed from a remote location or can be taken off premises, but only by trusted management-level employees and/or employees who agree to take certain precautionary measures to keep that information safe. The bottom line is that working from home is a wonderful benefit for employees, but both the employer and the employee must be willing to take steps to minimize the risk to the employer.

#### Tracking Hours is a Requirement

Employers must also ensure that there are systems in place to track the hours worked by non-exempt or "hourly" employees. This is not to make sure the employee works as hard at home as in the office but is a requirement of the Department of Labor. Since non-exempt employees must be paid time and a half for hours worked beyond a 40-hour week, employers must accurately track each employee's hours to properly assess overtime pay.

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In order to track hours, some employers ask their employees to certify the number of hours worked each week, while others have computer programs that allow their employees to "punch in and out" from home. The Department of Labor doesn't dictate how you do it, as long as there is a mechanism in place for accurate tracking.

## Rupp, Baase in *Buffalo Spree*



Thank you to *Buffalo Spree Magazine* for including a profile of the firm in the November issue highlighting the many reasons that Rupp, Baase is a great place to work!

Articles are drafted by Rupp, Baase, Pfalzgraf, Cunningham & Coppola LLC. Clients and friends are free to copy and to distribute the contents of this newsletter with proper attribution. The information contained in this newsletter does not constitute legal advice, and it should not be relied on without consulting a licensed attorney. For answers to your legal questions, please contact:

**Lisa Coppola, Esq.**  
coppola@ruppbaase.com  
716.854.3400, ext. 218

**Johanna Healy, Esq.**  
healy@ruppbaase.com  
716.854.3400, ext. 234

**Kim Georger, Esq.**  
georger@ruppbaase.com  
716.854.3400, ext. 236

# PROTECTING YOUR ASSETS

EFFECTIVE STRATEGIES TO SHIELD PERSONAL & BUSINESS ASSETS

Thursday, January 19, 2012

4:00 pm - Registration | 4:15-5:30 pm - Presentation | 5:30-7:00 pm - Cocktail Reception

Sonoma Grille | 5010 Main Street | Amherst, NY 14226

### Topics Include:

Non-competes  
Buy-sell agreements  
Powers of attorney  
Health care proxies

RSVP by Friday, January 13th to Erin Harvey at  
716.854.3400, ext. 230 · [legalweapons@ruppbaase.com](mailto:legalweapons@ruppbaase.com)

Registration fee: \$15 payable to Girls on the Run.

Win a brand new Apple iPad2!  
All attendees are eligible. Must be present to win.



## Next Seminar: Demystifying Contracts

Thursday, May 3, 2012, 4:00 pm

If you aren't sure that your contracts properly are protecting your business, or if you're confounded by "legalese," join us!



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Rupp Baase is donating seminar proceeds to Girls on the Run, an after-school program that prepares girls in grades 3-8 for a lifetime of self-respect and healthy living. Through an interactive curriculum and activities such as running a 5K race, girls become empowered and confident, setting the groundwork for future success. For more information, visit [www.gotrbuffalo.org](http://www.gotrbuffalo.org).