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## LITIGATION ALERT

### WILL YOU BE SUED FOR OVERTIME PAY BY YOUR MANAGERS?

Employees who don't fit within specifically defined categories are required by law to be paid overtime for work over 40 hours a week. One category of employee that has been exempt from overtime requirements is managers. But what exactly is a "manager"? For Colorado employees in the retail and service industries, customer support, and in food, beverage, health and medical industries, the definition of a manager exempt from overtime was established by an order from the Colorado Department of Labor. That department recently expanded its definition of who is a manager. This new ruling has significant consequences for Colorado employers. Make the wrong assumption and you can be liable for not only overtime, but penalties and attorneys fees as well.

### EMPLOYERS CAN USE THE COMPUTER FRAUD AND ABUSE ACT AGAINST DISLOYAL EMPLOYEES

It could happen to you. A former employee sabotages your computer network, or leaves a backdoor in your system when they leave, allowing them to spy on your company. What can you do? Changes to a federal law now give an employer a powerful weapon both against the former employee as well as his or her new employer. The Computer Fraud and Abuse Act allows for both damages and injunctions to stop the conduct.

For further information concerning this advisory bulletin, please contact Kim Ritter ([kritter@minorbrown.com](mailto:kritter@minorbrown.com)) or John Logan ([jlogan@minorbrown.com](mailto:jlogan@minorbrown.com)), Minor & Brown, P.C., 650 South Cherry Street, Suite 1100, Denver, Colorado 80246, (303) 320-1053.

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