

How small business owners can keep up with the changing legal landscape

By Eileen Mozinski Schmidt
Special to The Freeman

Employment law can be a complicated part of running a small business.

There have been many changes recently in this area of law, according to Rebeca López, Senior Attorney in Godfrey & Kahn's Labor, Employment and Immigration Law Practice Group in the Milwaukee office.

Businesses need to keep abreast of shifting legal requirements, especially when, as in recent years, there has been a change in the political landscape.

"We have a president taking a significantly different approach than the prior president," said López, explaining what is driving some recent developments in employment law.

To help entrepreneurs and small business owners wade through these legalities, SCORE SE Wisconsin is hosting an upcoming workshop. SCORE bills itself as a non-profit association dedicated to helping small businesses get off the ground.

The class, "Legal Basics - Hiring, Retaining and Terminating Employees," will be held from 9 a.m. to 12 p.m. Saturday, Feb. 3, at Ottawa University in Brookfield. It will be led by López, who has been with Godfrey & Kahn for six years and worked with businesses of all sizes.

López has tailored the workshop material to apply to the legal obligations of small and medium sized businesses. Some points she suggests business leaders keep in mind in the current environment include:

Wage and hour laws: The Obama administration had proposed changing the salary basis test, increasing the minimum salary qualifying for the so-called "white collar" exemptions to the Fair Labor Standards Act's overtime pay requirements from \$455 to \$913 a week, wrote López, in a post on the Godfrey & Kahn website.

A federal district court in Texas halted the rule's implementation in late 2016 and the Trump administration has taken it off the table, according to López.

But the current administration is open to other changes in this area, López said.

"This is a significant area of liability. It's important to get it right," she said.

With wide variance in types of employees and work, there is corresponding variety in when businesses have to provide minimum wage and overtime compensation.

"Lots of times people incorrectly assume if they pay a salary they don't have to pay overtime," López said.

Also, the identification of independent contractors is being more closely monitored, both by the IRS and on the state level.

"The Wisconsin Department of Workforce Development is active in what they believe to be 'misclassifications' of freelance workers," López said.

Immigration: The U.S. immigration office will start conducting more Form I-9 audits this year, according to SCORE SE Wisconsin.

López said there has been an increase in such audits in all workplaces.

"It's part of the U.S. initiative to investigate employers of all sizes to make sure their paperwork is in order," a release from SCORE said.

Employee non-competes: A Wisconsin Supreme Court decision handed down last week has far-reaching implications on how employee non-solicited restrictions are interpreted statewide, according to López.

The employer, Manitowoc Company, used an employee non-solicit in its agreement that the Court found to be a restraint on trade as well as "overbroad on its face and unenforceable," López wrote for Godfrey & Kahn.

As a result of the decision, López said such provisions will be under much greater scrutiny under Wisconsin law and companies should carefully review existing covenants on this subject.

Sexual harassment: With the recent activism of the #metoo and #timesup movements, López said more businesses are aware of the need to have well-crafted policies regarding sexual harassment and abuse.

The key to an effective policy is mutual understanding, to "make sure everybody is on the same page," López said.

The new federal tax plan also has an impact in this area, López said, as the legislation discourages confidential settlement agreements. Under the new plan, amounts paid or attorney fees are no longer tax deductible.

"Based on the (Tax Cuts and Jobs) Act, employers must now weigh their desire to keep these agreements confidential against their ability to deduct the payments attributable to the settlement," wrote López, in a Godfrey & Kahn blog post.

López added that the new tax plan also includes a reduction of classification of certain expenses as business-related, such as relocating employees and deductions for employee parking.

To register for "Legal Basics — Hiring, Retaining and Terminating Employees," visit www.scoresewisconsin.org, click on "Take a Workshop" and the Feb 3rd event.

Ellenbecker adds tax and accounting division

CITY OF PEWAUKEE — Ellenbecker Investment Group announced it has added in-house tax and accounting services.

Sandra Geisler, CPA, has joined EIG as director of Tax Planning Services.

"Tax and distribution planning are essential components of a comprehensive financial plan," said Julie Ellenbecker-Lipsky, president of Ellenbecker Investment Group, in a statement. "We have referred clients to Sandra for years and we are thrilled she is now part of our team. Our clients' financial plans benefit when good tax decisions and solid investment management come together."

EIG is a financial planning firm based in the City of Pewaukee and with locations in Whitefish Bay and Bonita Springs, Florida.

"With tax reform change now a reality in 2018, this is an exciting time to join EIG and help clients optimize new tax planning strategies," Geisler said in a statement.

She is licensed as a certified public accountant in Wisconsin. Prior to joining EIG, Geisler was the president of Hale Park Tax & Accounting, LLC. She specializes in retirement savings and distribution planning, and working with individuals managing small businesses. Geisler currently serves as treasurer of Life'sa Connection — Mukwonago Center, Inc., a non-profit resource center helping those in need in Waukesha County.

— Freeman Staff



Submitted photos

The Elmbrook Rotary Club is involved in microlending efforts in Vietnam. Here, a woman completes paperwork for a microloan.

Elmbrook Rotary embodies 'Service above Self'

84-member group donated locally, internationally

By Chris Bennett
Special to The Freeman

BROOKFIELD — The Elmbrook Rotary likes to brag it embodies the organization's motto of "Service above Self," and it is an accurate boast.

The club raises funds and donates time to projects in southeast Wisconsin, in the United States and even overseas, according to President Linda Edelstein.

Edelstein lives in Brookfield, and is the executive director of the Milwaukee Youth Symphony Orchestra. She's been in Rotary for eight years.

"We're a very active club with very active membership, with a very good array of ages — from people in their late 20s into their 80s," Edelstein said. "We have a nice mix of men and women that represent professions from entrepreneurs to CEOs, lawyers, doctors, non-profit professionals and more."

The Elmbrook Rotary dates to 1983. The club meets Friday mornings at Western Racquet Club, 1800 Highland Drive in Elm Grove.

Edelstein said the club numbers 84 members. Members do not live solely in the Brookfield and Elm Grove area, and are instead scattered throughout southeast Wisconsin.

Rotary International is the world's largest professional service organization, and numbers more than 1.2 million members.

Its service projects fall under six key areas: promoting peace; fighting disease; providing clean water, sanitation and hygiene; saving mothers and children; supporting education; and growing local economies.

"We're able to leverage the high-level, professional skill set we have with our members with the involvement of their time and resources," Edelstein said. "Last year, we raised money through a number of different fundraisers."

Spikes for Tikes is a volleyball tournament the club hosts each year at Mitchell Park in Brookfield, and it serves as the club's main fundraiser. Edelstein said on the local, national and international levels combined the club distributed more than \$73,000 last year.



The Elmbrook Rotary is involved in charitable efforts in Guatemala. Former club president and longtime Elmbrook Rotary member Jan Constable poses with young girls.

Locally, the club invests in initiatives that focus on education and literacy, social programs and arts and education. They are involved in food drives with the Food Pantry of Waukesha County, and also book and magazine drives.

The clubs also maintain and sponsors its high school program, Interact, at Brookfield Central and East high schools.

The list of additional local initiatives the club undertakes is staggering. They help with the Brookfield German Holiday Market, and provide food and beverage service for Elm Grove's Fourth of July festivities.

They donate funds to the Boy Scouts, Wisconsin Philharmonic, Waukesha Community Dental Clinic, the Sharon Lynne Wilson Center, and more — almost too numerous to mention.

On the national level, Edelstein said Elmbrook Rotary worked with Rotary clubs in areas affected by hurricanes in 2017, and coupled with their relief efforts — Edelstein mentioned Hurricane Harvey as one instance in which the Elmbrook Rotary worked on a national level to fulfill its mission of service above self.

The one thing most might not know about Rotary is the organization is committed to eradicating polio worldwide. When polio is eventually eradicated it will be the second disease, after smallpox, to be wiped out.

"This has been an effort by Rotary International for decades," Edelstein said.

"We are, as they say, this close to eradicating polio.

"Quite a bit of our resources — individually and as a club — are sent to Rotary International in support of the polio eradication."

According to its website, Rotary has, in conjunction with its partners, reduced polio cases by 99.9 percent worldwide since its first project to vaccinate children in the Philippines in 1979. Rotarians have helped immunize more than 2.5 billion children against polio in 122 countries.

Elmbrook Rotary also engages in projects in Guatemala, Ecuador, India, Haiti and Vietnam. The outreach extends to some Elmbrook Rotarians making trips abroad to support the mission.

Edelstein said the program in Vietnam is a microlending program meant to empower women to start businesses and support families, and is deemed to be a rousing success.

In Guatemala, the Rotary is working to help children stay in school and ensure education is available. Edelstein said the country is impoverished to the point that parents remove children from school as early as age 5 so they can go to work.

"The reason Rotary is vibrant and resonates for us is we reach locally within our own community and region," Edelstein. "We also reach across the world."

More information, including details on how to join, is available at <http://www.elmbrookrotary.org>.

Summit puts brakes on event barn proposal

Residents raise concerns about potential noise, traffic, hours

By Eileen Mozinski Schmidt
Special to The Freeman

SUMMIT — Summit has put the brakes on a proposed event barn after strong opposition by area residents.

Jason Anderson approached the village late last year seeking an application to allow conditional use in the A-1 agricultural zoning regions. The change would have allowed hosting ongoing events, like weddings, in those areas.

After two hours of discussion at a public hearing in December, the village Plan Commission tabled the issue until January.

Last week's meeting drew comments from over 30 people. Village Planner Henry Elling said a few of those spoke in favor of the idea, but the majority objected due to their concerns about potential noise levels, hours of operation, traffic, and whether the land was suitable for hosting regular events.

Plan Commission Chair Jim Siepman said many of the objections from residents were related to the specific property in question, a future development planned for 37736 Sunset Drive.

"The people around this site that was proposed, they reached out to not just their neighbors," Siepman said. "There was a large outcry from all of the village."

Siepman said the commission considered a study provided by Elling showing barns used for events throughout the county typically are existing structures that have been renovated.

"This particular gentleman wanted to build a brand new facility and greenhouse on the site. The Plan Commission said that's not what we're seeing in other communities, it is truly a whole new business," Siepman said.

A location in a part of the village not among denser development also was noted among objections.

"This would be a brand new commercial business south of (Highway) DR. Our conclusion was this was probably not the best use of the site," Siepman said. "Because of its commercial construction use and large parking lot, the area would have looked more commercial."

The Freeman was unable to reach Anderson for comment.

Following this discussion, Elling said the commission unanimously agreed to advise against adopting the amendment. The recommendation will be forwarded to the Village Board, which Elling said will review the issue at the Feb. 8 meeting.

OWI charge is Waukesha man's seventh

WAUKESHA — A Waukesha man has been ordered held on a \$15,000 cash bond after he allegedly crashed his car while driving drunk in the Town of Brookfield.

Matthew Warner, 29, was charged with a seventh offense of operating while intoxicated and faces up to 12.5 years in prison if convicted.

He was ordered to maintain absolute sobriety while his case is pending and is to return to court today.

A criminal complaint said a caller reported a car in a field near Springdale and Watertown roads at about 7:41 p.m. Wednesday, where Town of Brookfield police officers found a car had left the roadway,

appeared to have gone airborne and landed in a marsh. Warner was found nearby a short time later.

He was taken to an area hospital, where he told officers, "You got me, I'm drunk, do what you need to do," the complaint said, and failed field sobriety tests, giving a preliminary breath test that showed a blood alcohol level of 0.176 — eight times the 0.02 limit for repeat offenders.

He also was reported to have told his wife, "I'm hammered" after admitting he stopped at a club in Pewaukee and had several drinks, the complaint said. It added he recently was released from a 50-day stay at a rehab facility.

— Freeman Staff

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We'll have you out soon, kid! Stay calm, & for heaven's sake, pay attention to the music!



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