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Welcome to PayTalk, the podcast for payroll professionals, with your host Nina Talley. In the podcast, we explore the human side of payroll by speaking with global industry leaders who provide their unique insights to help listeners better understand the issues important to them and their careers.

Nina Talley:

Hey everyone, thanks for joining us for PayTalk, the podcast that brings you payroll's human side. I'm your host Nina Talley, and today we're joined by Dan Messeloff, Esquire, a lawyer and partner at the law firm of Tucker Ellis. Dan is joining to share his legal expertise with us, and I'm really excited to dive into this area of payroll as it's something we haven't really had the chance to touch on before. Dan, why don't you give our listeners a bit of your background and how you came to be involved in payroll?

Dan Messeloff:

Sure. Well, first and foremost, thank you for having me on the podcast. I'm honored to be here. As you said, my name is Dan Messeloff. I am a lawyer with the law firm of Tucker Ellis located or headquartered in Cleveland, Ohio, although I help payroll companies all around the country with wage and hour law and other related payroll issues that they have. I've been practicing law for around 20 years. And when I started my career, I was doing a lot of litigation and I still do a lot of litigation related to wage and hour laws and payroll issues. And what I discovered was that a lot of the mistakes that ended up in court where companies were facing lawsuits were relatively easy fixes that were just either overlooked or forgotten or payroll professionals were too busy to realize were incorrect. And so therefore, a federal litigation or other lawsuits ensued with significant penalties hanging over their heads, all because they might not have included a bonus or a commission in overtime or calculate overtime properly, relatively little things like that.

Dan Messeloff:

And so what I realized is that in addition to helping companies defend those types of lawsuits, I wanted to help companies with the payroll issues on the front end, in the beginning, to help them search for and fix any of those issues, the small issues, so that they wouldn't result in lawsuits later. At times over my career, I've thought just like a fireman may put out fires as a primary role, but then they also want to help in fire prevention and safety, to make sure that fires don't happen in the first place. So for me, I help companies when payroll issues really blow up, but I also help many companies around the country prevent those blowups in the first place.

Nina Talley:

I love that outlook. There is more to a fireman's job than just showing up when the blaze is there. It can also help you with fire prevention. And I think that's an excellent way to look at legal assistance in your payroll department. You want it when you need it, but you also want it ahead of time just to make sure that things are right. And so we have talked in the past about governmental regulations for payroll on this podcast, but we've never really done a deep dive on the legal ramifications of not adhering to those regulations, which let's be honest, is really where it counts. So let's dive in. While I was doing research for this episode, I learned that the US Department of Labor estimates that around 70% of companies are not in compliance with federal payroll laws. Maybe it's just because I'm naive. That seems baffling. How is that number possible?

Dan Messeloff:

It's surprising, and unsurprising at the same time. Now let me begin by saying that what payroll professionals deal with all the time, every day, and many times every day are legal compliance issues. Now sometimes that may be performing the right calculations on a certain government form for the IRS or some other state agency or a wage garnishment or something like that. And yes, that is legal, but those types of things, if you use the wrong form to submit something to the IRS, there could be certain consequences. You might get it bounced back and it would be an administrative headache, but that is generally not the area of legal regulations, where there really are significant penalties and where the lawyer's advice such as my own might be the most benefit.

Dan Messeloff:

The reason that number is so high for companies that failed to comply with federal payroll laws is in part because the laws are themselves relatively complicated, relatively detailed, relatively expansive, going from everything from overtime calculations to payment schedules, to classifying employees, to how to handle bonuses, hours worked, and a million different things that all of your employees touch upon every single day because payroll matters to people. And so it makes sense in some respect that it's so highly regulated. At the same time, because there are so many employees and because each company is so complex, there are just many ways that companies can get things wrong.

Dan Messeloff:

So just like, again, to continue the firefighter analogy, just like you might have a faulty electrical wire behind a wall, and so therefore you're at risk without even knowing it, similarly for payroll professionals, if someone says, "All right, let's hire this employee. Let's give him a \$40,000 salary and let's get to work and let's make this happen," that could very well result in a violation of federal payroll laws because the individual who's being hired may not properly be exempt and therefore an hourly payment rather than a salary may be more appropriate for them.

Dan Messeloff:

Similarly, just to give you another quick example, any company that offers commissions or bonuses or any other pay incentives to hourly non-exempt employees, those have to be calculated into and incorporated into overtime compensation. And so if somebody says, "Yeah, we're having a holiday bonus. We're going to give everybody \$100 if they work 50 hours this week, or if they sell 500 widgets this month," those types of incentive programs need to be incorporated into overtime compensation. And if they're not, then again, bang, you have another overtime violation, another violation of the law. So it's just that easy to get it wrong.

Nina Talley:

And I think that as our understanding of compensation shifts, it's going to get more difficult. Something that I know that we've touched on the podcast in the past is gift card reimbursements and how difficult gift card reimbursements are with all of the regulations and that you think that it's just a gift card, that it wouldn't need to be included in with your payroll taxes, but it definitely does. And I think that this is one of the situations where it's what you don't know that gets you into trouble. There's so many moving parts, that it is hard to truly keep it all in order. And I think that that's where someone like yourself is just incredibly beneficial to a payroll department. I know that I couldn't keep it all straight.

Dan Messeloff:

Well, thank you. And I'll add that not only is it complicated and difficult to keep straight and not only do payroll professionals make mistakes relatively frequently, whether knowingly or unknowingly, it's important also to realize that even if the employee is at issue, if you pay employees a gift card, or you give them whether an Amazon card or a Visa card, whatever it is, they themselves might not know that the payment should be included, right? I highly doubt that most non-exempt employees, most employees anywhere think, oh, hey, you were supposed to include this in my overtime. However, what typically happens is maybe at a barbecue or maybe at some other family function, they might get fired, they might be disgruntled, or they might have an ax to grind. And then a relative or a friend will be a plaintiff's lawyer. And what I mean by plaintiff's lawyer is a lawyer who typically represents employees rather than companies.

Dan Messeloff:

There is a cottage industry of plaintiff's lawyers, lawyers who represent employees in wage and hour lawsuits just like this. And that individual may say, "You know what, let me see what I can do to help you. Sorry you're down on your luck. Let me see what I can do to help you. Send me your pay stub and I'll see if your company was complying with the law or if they owe you any money." And it's just that easy, where once it ends up in that individual's hands, then yes, those individuals are the ones who know you got a gift card, but your overtime wasn't adjusted for it. Or you got a commission or you got a shift differential, or you're a manual laborer, and they're paying you a salary. That's not right. They shouldn't do that. That's kind of how real issues blow up. That's the what causes these types of explosions. And that's why it's important, again, to handle it properly on the front end.

Nina Talley:

It sort of seems like these sort of regulatory oversight mistakes are almost like an aneurysm in the system of payroll. It could be that the aneurysm never explodes and never causes an issue, or it could destroy the system.

Dan Messeloff:

Yes, that is very true. And that's why in part, one of the pieces of advice that I give clients is that this is really almost a matter of risk management. Say you've discovered a mistake in payroll and that you've been miscalculating overtime, or the employee's misclassified, one of the first questions to... Well, first don't panic. And then the second... And people have a tendency to do that where you say, "Oh my God, we made a mistake," and your imagination runs away with you with what the consequences are. However, what we frequently, if not always, advise or recommend to companies in the discussions that we have, the first discussion, is how many employees were impacted by it and how much money are we talking about here? And then it becomes a matter of risk management where if you realize, all right, we owe six employees \$50 each, so then you're realizing, okay, then it just becomes a matter of, yes, you should always want to do the right... you should do the right thing. You might have violated law.

Dan Messeloff:

But then the question is, what's the likelihood that this will ever see the light of day? How much will it cost to remedy it? Are the employees current employees, or are they former employees? Can you track them down? Those types of questions that really help companies understand how bad is the situation really, and is fixing it even worth the effort? And again, that kind of, as you said before, that's yet another area where lawyers can help guide those types of discussions. Let's say, all right, this is not significant, if you just pay it and be over it, and everyone can sleep better at night. So that, because

there's not that concern, your anxiety about a future lawsuit won't run away with you. Or do you say, if you don't want to pay this, all right, you'll get a slap on the wrist or something, but it's really not that big a deal.

Nina Talley:

Don't panic. Ask For help.

Dan Messeloff:

Yes.

Nina Talley:

That will make it better. Everybody makes mistakes. When you're working in payroll, I think it's really easy to forget because it is an often overlooked position and an undervalued position of how many strings it touches and how it can ripple out and affect so many different lives, and when something goes wrong, it can be really scary. But don't panic. Ask for help. Dan is here.

Audio:

Running payroll in a single country can be a challenge, but running payroll in dozens of countries? Scary, right? That's why I want to tell you about CloudPay. They are a leader in global payroll and they happen to be one of the fastest growing payroll companies. CloudPay has been innovating in payroll for over 25 years. And today they help thousands of companies get payroll right in over 130 countries. They also have trusted partnerships with top HCM platforms, so you can seamlessly integrate your HR and payroll data. CloudPay's experts live and breathe global payroll, giving you confidence in payroll results and compliance. They also have a unified global platform with process standardization, dynamic integrations, real-time analytics and robotic process automation. CloudPay's team plus their technology helps companies to improve their payroll every day. So if your global payroll technology needs some innovation, visit [cloudpay.net](http://cloudpay.net) and see how CloudPay can modernize your payroll.

Nina Talley:

We talked a little bit about how it's possible and how it can happen, but I want to dive into what are the most common legal issues you see payroll professionals encounter so that our listeners can maybe avoid those?

Dan Messeloff:

Sure. As everyone knows, the most common issues today in 2021 are very different from the most common issues two years ago, when far more employees were working in offices, in plants, in factories and so on. And the payroll landscape on several levels was very different. Now, when so many companies have employee... at least some, if not all employees who are working remotely and who therefore you don't know what they're doing, when they're doing it and so on, from what we've seen in this post-COVID workforce is that the biggest challenge, the biggest risk is what's described as employees working off the clock. Typically in pre-pandemic days, employees would show up for work, they'd clock in, or log into a computer or what, and then they'd go home, and then they wouldn't work at all until the next day, or it was unlikely that they'd work.

Dan Messeloff:

Now, when we're all home at work and working from home, that changes, because payroll professionals and other supervisors don't know what employees are doing and for the employees themselves there's a much greater risk of, yeah, I'm supposed to start at 9:00, but why wait that long? I'm just going to do some work beforehand and well, this project is really weighing on my mind, so I'm just going to work a little more. Those types of work, no one's going to see that. And so in that respect, it's important, it's vital for payroll professionals to make sure to remind all non-exempt employees, those hourly employees, that even when they're working from home, that they should record all of the hours that they work, even when no one's supervising them and no one's going to see what they did or what they didn't do. Everyone should record their hours work as accurately as possible. And for that matter, if anybody has any questions about their hours work or their pay, that they should contact you, the payroll professional, if they have any questions.

Nina Talley:

I hadn't really thought about that because I'm a salary employee. And as I've been salaried for quite some time, I haven't thought about how the remote work change would really affect the work structure of an hourly employee. And I think that that is an unfortunate reality of working from home. There's a lot of freedom that comes with it, but there's also that urge to get on the project, to get it done. And I definitely, as one-half of a remote work couple, I have to remind the loved ones in my life that "You know that you're not getting paid right now." So other than that, are there any other issues that have come up from remote work and COVID, maybe anything to do with vacation time? Just some of the differences that have come up through this drastic change we've all had to live through.

Dan Messeloff:

Sure. I mean, the other huge change that impacts payroll more than others is the notion of paid leave laws and the like, and what employees are doing and what leave they're entitled from. That is another huge thing. And admittedly, that really changes, or it's vulnerable to change, if not every week, then every month and regularly. There's an interplay, as payroll professionals know, between the federal requirements and the state requirements, and sometimes even municipal requirements. Some cities have enacted laws where the city in which you live or in which your employees may work and in which your employees may live, any of those government entities may say, "You know what? In these extraordinary times, we want to make sure that our citizens are covered. So therefore we are enacting, we are legislating, that employees who may need to take care of a sick child or whose school is closed, or who needs to care for a parent, anything like that, that they are entitled to two weeks of paid leave."

Dan Messeloff:

And those government entities, they may figure out, okay, it's deductible from some other credit or it's a tax credit, issues like that. But in my experience, what's called the FFCRA, the Families First Coronavirus Response Act... Relief Act, excuse me, and other legislation really adds a whole nother layer of complexity to what payroll professionals do, and being able to juggle all of that on top of everything else that payroll professionals do has really, really made everyone's jobs just exponentially more difficult.

Nina Talley:

Man, just thinking about my life over the last year and how much it has changed and how exponentially that happens for everybody on every... life never goes back to normal after this. And it's every day I think I understand that a little bit more, and it's interesting to see how payroll has shifted in just the last year since I've started doing this podcast. It's oh, it's a wave. So compliance penalty figures, those aren't

so scary, but they're also I think what will really drive these lessons home. So if you fall out of compliance, what are some of the penalties that a payroll professional or a business should expect to run into?

Dan Messeloff:

That's an excellent question. Because for an individual, the what are called... the legal term is the damages. The difference, the money owed, is relatively small in most if not all of these case. If you miscalculate someone's overtime, you might owe them \$50 or \$100 or what. If you misclassify someone as exempt when they should've been non-exempt, again you might owe them \$1,000 or \$2,000 or \$5,000 or more. But even so, those figures are not high enough to really rise to the level of anybody's radar. And so what the federal and state laws do is they provide a penalty. They said, "Look, we know if a company owes its employee \$100 in back wages, that's not going to get anybody's attention and companies are going to just steamroll over that and they're going to continue violating the law because there's no penalty to prevent them from doing so. It's not worth their while."

Dan Messeloff:

So what the laws do is they provide generally for a 100% penalty, which is to say, if you, a company, you're big, you have resources, you have means to do things the right way, and so if we find out that you did things the wrong way, that you miscalculated your employee's pay, we are going to impose a 100% penalty, which means that if you find that you owe your employee \$100, we're going to make that \$200. So right off the bat, you're a facing a 100% penalty on anything that you owe, which again, kind of increases the temperature on all of this, so to speak. It gets more companies' attention. However, not only that, but what happens in many lawsuits, in many issues resulting from wage and hour and payroll law violations or issues, is that rarely, if ever, is it a one-off incident. Rarely if ever is there one single machinist whose pay was miscalculated or who was misclassified.

Dan Messeloff:

Rather, what frequently happens is that you realize, uh oh, this was a problem with our program, or this was a problem that we overlook. And therefore it's not simply one individual, but it's the entire crew, let's say 500 employees or 1,000 employees. And so then what happens is if you owe that one individual \$100 and then with a 100% penalty, that becomes \$200. But then if you multiply that times everyone who is impacted by the oversight, if you will, the violation of the law, whether misclassification, miscalculation, or otherwise, that's really the multiplier effect where companies and employees realize, oh my god, this is not just one person, this is 1,000 people. And so all of a sudden we owe \$200,000, \$500,000, a million dollars or more on the hook, depending on the damages that are at issue, the money that's owed to these employees, and the number of employees who were impacted by it.

Nina Talley:

Yeah. Sounds like it definitely snowballs and 100% penalty. I didn't know that. And that's whoopity.

Dan Messeloff:

Yes. It can be significant.

Nina Talley:

So with that amount of money sort of on the line that can really easily snowball into something much larger, let's talk about risk mitigation. So I know that legal audits are definitely a part of risk mitigation, but how regularly should you do one?

Dan Messeloff:

In our experience, it's hard to say how regularly every company should do one. It is really the equivalent of a health checkup for your payroll function, for your company's payroll function. So just like you don't necessarily need to go to the doctor every six months, unless you've already identified something being wrong, most companies shouldn't need a payroll audit every six months or so. Rather, what we recommend is every year or two years to have your payroll function audited, just to make sure that amid the ever-changing landscape of federal, state and local laws, that you're still doing things the right way.

Dan Messeloff:

And again, not only that, but if your company has acquired another company, if there's been a merger of some sort, if you hired more employees, which obviously companies do all the time, if you implemented a new bonus structure or a new pay structure, because operations people thought that it would incentivize people to work harder in a different way, those are the types of activities that an audit will help determine is that being done the right way so that you're not risking exposure down the road. That's the kind of thing that audits will uncover and help you determine if they're being done correctly or not.

Nina Talley:

And with so much changing in the last year, would you say it's fair to recommend an updated legal audit for your payroll practices?

Dan Messeloff:

Definitely. Definitely.

Nina Talley:

Yeah. I think the last year has just been so intense and so much has changed rapidly, rapidly, rapidly, and it was about getting it out. So definitely now is a good time for a legal audit. Get in before the government does. And with that sort of being discussed, I would really like to be walked through what a legal audit of a payroll department looks like.

Dan Messeloff:

Sure. So what a legal audit of a payroll department would typically look like is that we'll obtain copies of the relevant policies and procedures to make sure, okay, what is your policy with respect to overtime? How do you pay it? How is it calculated? We'll make sure that at least on paper itself, it's being done the right way. And if there are any issues, that we can correct them, or if there are recommendations that we would make in terms of best practices or corrections or tweaks, that's what we would typically do. And then above and beyond the policies themselves, sometimes how are those policies implemented? We've seen plenty of companies where in the employee handbook or in an operations manual, it may say, yes, we pay employees X, Y, or Z, we do things the right way, we comply with all laws.

Dan Messeloff:

But then once you talk either with the payroll people, themselves, how things are actually being done, once you dive into the spreadsheets, you realize, okay, employees are paid these bonuses, are they actually being incorporated into overtime? And if so, is it being done the right way? How it's actually being implemented, that's yet another area that is discussed. And so we make sure that from start to finish, that employees are being paid the right way, such that they can't sue you later, to be blunt. And then another function, kind of as we've touched upon a few minutes ago, is misclassifying employees.

Dan Messeloff:

As you said, for salaried employees, for employees who are paid a salary, they sometimes take it for granted the work that they do, payroll departments take it for granted, other executives, the departments in which those individuals work, they may take it for granted that they should be paid a salary. But sometimes a payroll audit will determine, hey, this guy is paid a salary of \$40,000, but they're just a machine operator. That's manual work. They don't fit under any exemption that would justify paying them a salary. They should actually be paid on hourly basis. And then we can help kind of smooth that transition from salary to hourly. But that's yet another area that audits will investigate and uncover.

Nina Talley:

That's an excellent point. And an audit like that, that begins sort of moving maybe salary employees over to hourly just to comply with regulations may also cause a little bit of upset in your department. But I think that many salary employees might find hourly to be beneficial. I know that I have some friends who have recently transitioned from hourly to salary and they would like to go back. So worst case scenario, your company is entangled in a lawsuit because of a payroll error. How can you make a bad situation better?

Dan Messeloff:

That's a good question, but a difficult one. Once you are in a lawsuit, I mean, first and foremost, the first step is to investigate the underlying claims at issue and determine if they are accurate or not. Are you really miscalculating overtime as the plaintiff claims, or is the plaintiff misunderstanding something, and you really have a defense for the lawsuit? Does the employee, do they actually work off the clock or are they just trying to make something up to try to squeeze a little more money out of you? Those are the types of investigative questions that should be asked if you're in a lawsuit. And then the next step, I guess, depending on what is discovered in that kind of investigation, if you realize, oh, this guy is right, we have no defense. We were miscalculating overtime. Oops, our bad, then that's the kind of lawsuit that you may want to settle when you acknowledge and you recognize that you've done something wrong.

Dan Messeloff:

And other times you may realize, no, this guy is way off base. We did nothing wrong here. In that instance, you might want to defend the lawsuit. At the same time, there is in fact also a public relations or employee morale aspect to all of this, in the sense of you want to also ask are employees talking about the lawsuit, is the plaintiff, the employee involved in lawsuit, is it a current or former employee? Is there a gossip about this? If so, you as a company may want to get ahead of it and say, "We just want to remind employees that we comply with all applicable laws. And if anybody has any questions about their pay, please don't hesitate to contact your local friendly payroll department."



Nina Talley:

That's a very good point. Lawsuits are not unfortunately an encapsulated vacuum. And when it comes to a former employee suing a business, it will have ramifications on current employees. It's an unfortunate part about having a company culture and having employees that know and talk and enjoy each other. But getting out ahead of it first and making sure that you are handling it from a PR perspective as well and making sure that you're being open and honest with your employees, I think that is one of the best insurances against future employee strife.

Dan Messeloff:

Agreed.

Nina Talley:

So now is the time in our podcast for something we like to call payroll nightmares. We ask our listeners to send us their payroll nightmares to [podcasts@americanpayroll.org](mailto:podcasts@americanpayroll.org), or leave us a comment on the APA's Facebook page. This month, Dan has a legal nightmare for us. So Dan, why don't you just share that?

Dan Messeloff:

Sure. So I won't name the company, but a number of years ago, I was asked to help a company that had been sued for a wage and hour law related violation. And what happened was the company had the... It was a family business and the president of the company took a very family-like approach to his employees, what he described as his employees. And the company grew, the company was successful. And what happened was the president of the company realized that employees were showing up late. As the company grew and as there became more and more employees, there was less of the kind of culture that you mentioned a minute ago and employees, they'd show up late, they wouldn't have the same kind of high regard for the company and for punctuality and so on, that the president himself had.

Dan Messeloff:

So what he decided from on high, so to speak, what he decided is that the company was going to implement a new policy, which was if you are more than two minutes late for your shift, you will be docked 30 minutes pay, and the company will not pay you until 30 minutes after your shift starts. Now, the president of the company, again, thought that as a family business, he saw everyone practically as his own children, and therefore this might be the type of punishment or the type of situation or deal, if you will, that a parent might offer to a child. "Look, I want you to be on time for school. If you're not, you're going to lose phone time. You're going to lose screen time." Well, unfortunately for this company under the law, that's not the way this works.

Dan Messeloff:

And so companies have to pay employees for the time that they work, and if an employee is late, then there are ways to deal with that. But you cannot dock them pay, 30 minutes of pay, because they are two minutes late. And so we received a copy... And as we said before, when we saw this lawsuit, we asked for the documentation. "What is this based on?" We saw a copy of this policy and we realized, all right, there is no way to defend this. There is no way to justify this policy. "We recognize your intentions were good, but how you handle your children in your house compared to how you handle employees in

your business are two very, very different things. And there are certain laws that protect employees from the type of policy that you want to implement."

Dan Messeloff:

So that was the worst example that I've ever seen of a clear violation of the law, even if it was from what I'll say is good intentions, and not nightmare. I will add this, because of something you had mentioned a few minutes ago, payroll professionals' jobs are hard. And sometimes they receive instructions from executives, from other departments, like the policy that I just described. And you don't know what to do, where you say, "You're asking me to violate the law and I really don't know what to do." Or "You're asking me to misclassify this person, and that's a violation of law. I don't think that complies with the law." And that puts payroll professionals in a very difficult situation on a case by case basis. Granted, if there is a violation of the law, then rarely, rarely, rarely, if ever, has anybody gone to jail for a payroll law related violation. I can't think of any. So it is a matter of money. But-

Nina Talley:

That's good to know. It's good to know.

Dan Messeloff:

But I would say this, if any payroll professional is ever asked to do anything that they believe or that they have concluded is against the law, any of the laws that we've touched upon, they have to decide, you have to decide, am I going to comply with this or not? And if you decide to one way or another, I would strongly recommend that people document what they feel. They say, "Look, I will exclude this from overtime, but I just want to let you know that I believe this would need to be required to be included in overtime compensation. So I just wanted to let you know for the record." Just document your concerns, so that way at least you protect yourselves, even a little bit, and even if the company itself ultimately decides to go against your advice and to violate some of the laws that we've been discussing.

Nina Talley:

Thank you so much for touching on the ethics of payroll, as well, and how payroll professionals are often... well, I don't want to say often, but are occasionally put into situations that are sort of morally gray and that their employer is telling them something and the law, which maybe they don't even agree with the law, tells them something else. And that is excellent advice in that situation. Just document everything, do your best, do your best, protect yourself, protect your employees and just document, document, document. I think that any lawyer would say that that is probably the best protection is documentation, written documentation.

Dan Messeloff:

Definitely.

Nina Talley:

Well, I don't want to leave the podcast on that sort of negative nightmare note. So I have one more question for you. What is the best piece of legal payroll advice you have ever been given? Or what is the piece of advice you wish somebody had given you?

Dan Messeloff:

Well, the best piece of advice I think that I could give is don't be afraid to reach out for help. These days more than ever before, when not just employees, but payroll professionals themselves are working from home, working from their living rooms and so on, it can feel like you're on an island. And it can feel like an employee has a question or somebody does something and you think you know what to do, but you're not certain, don't be afraid to reach out for help, which is to say, have some other payroll professional or a lawyer like me available to you, accessible to you, so that sometimes you say, "Look, let me just run this by our lawyer. Let me just pick up the phone or send a quick email. It'll take 15 minutes. It'll cost a couple of dollars, but everyone will have a much greater degree of assurance that we're doing it the right way." And so that you minimize lawsuits, minimize risks, you minimize potential liability down the road, if you're simply not afraid to reach out for help.

Nina Talley:

I love that, and it goes back to what we said earlier, and it's some of the best advice that author Douglas Adams ever gave. Just don't panic. Don't panic. Ask for help. And I think another thing that your piece of advice has sort of touched on is something that PayTalk talks a lot about, which is the value of a network, making sure that you have peers who you can bounce questions off of, or turn to in a blind panic, who will then talk you down and say, "Hey, don't panic. This is how we can move through." Well, thank you for that lovely little piece of optimistic advice as we wrap this episode.

Dan Messeloff:

You are very welcome.

Nina Talley:

And, Dan, I just want to say thank you for being such an incredible guest. Avoiding legal pitfalls is something all payrollers out there need to be concerned about. And I know that this conversation will be just absolutely invaluable to them.

Dan Messeloff:

You are very welcome, and it's really been my honor to be here and to talk with you about this topic that is near and dear to me. I will add this as well. Discussions like this are good for educational purposes, but for each company to really address the needs and the nuances and the intricacies of their company, I recommend that any company really reach out to a lawyer, their own lawyer, whether me or anybody else, when they need to, for help with their particular company and in their particular situation.

Nina Talley:

Well, what an excellent note to leave us on. And Dan, thank you for your incredible advice and your incredible expertise. This is such an invaluable conversation to all of our listeners out there. I want to take a moment to thank them as well. Thank you to all of our loyal listeners. Without you, PayTalk would not be possible. Please make sure you like and subscribe. Or if you're feeling particularly moved by our content, feel free to leave us a rating and a review on your preferred podcast streaming service. That is the best way to support this podcast and ensure that we can continue to bring you the human stories that make payroll so personal. Until next time, folks, this has been your host Nina Talley with PayTalk.

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