



AMSBERRY

Lawfirm

Don't Get Exploited: How Spouses, Employers, Business Owners and the Elderly Can Avoid Being Taken Advantage Of

A sad reality of the world we live in is that there are many people who are looking for a way to exploit others. Whether it is a stranger, a friend or even a loved one, you need to know how to protect yourself and your assets from the unscrupulous of the world. Here at Amsberry Law, we have helped thousands of people through very difficult life challenges. In this Guide, we aim to pass some of our knowledge and experience on to you.

For your convenience, we've broken this guide down into several sections to help you learn to avoid being exploited by a spouse, employee, business owner or caregiver.

Protection from a Spouse

Your spouse is supposed to be a person you can trust no matter what, but if you are going through a rough patch or even a divorce, that may not be the case. During these difficult times you need to know how to protect yourself and your rights until you can either work out your problems or the divorce has been finalized. The following are some key items to be aware of to help protect yourself:

Tracking Financial Activity – Track all financial activity on all your accounts, including retirement. If your spouse begins spending or withdrawing unusually high amounts you need to notify your attorney immediately so they can get protect your assets.

Time with the Kids – Courts generally seek to minimize the changes to the lives of children after a divorce, so the more time you can spend with them now, the more time you can fight for in court.

Keeping a Residence – Unless you or the children are unsafe, you should never leave your residence without first speaking with your attorney. This can be seen as giving up your right to the residence in the divorce.

Business Finances - If your spouse owns a business, it is particularly important that you closely monitor the finances. You will likely need assistance from your attorney and from an accountant to spot potential abuse - such as overpaying taxes, paying fake invoices, not collecting accounts receivable, and other similar activities that effectively allow your spouse to hide assets and income.

Protection from Employees

If you are a business owner, you know that your employees are one of the most valuable assets of your company. Without them it would be impossible to maintain your business. Some employees, however, won't hesitate to exploit you and your company if it will benefit them

financially. With that in mind, consider the following key steps to help keep you and your business protected:

Signed Time Sheets – It is essential that you have every hourly employee keep an accurate time sheet that they sign (physically or electronically). You then need to pay them for every minute that they are working for you, without exception.

Witnesses to Discipline – In the event that you have to discipline an employee, make sure there is a witness. Someone from human resources is ideal, but if that is not possible, a manager or supervisor is a good alternative.

Classify Employees Properly – All employees must be either exempt or non-exempt. There are a variety of legal restrictions on each that you need to account for. Having an employment attorney review the job descriptions and responsibilities is a great way to ensure your team members are properly classified.

Protection from Business Owners

If you are an employee, on the other hand, you need to make sure you are not being exploited by your employer. If you are being mistreated, you have the right to protect yourself and even recover compensation that you have been cheated out of. Employers never have the right to mistreat you. The following are some common areas where employees get taken advantage of:

Paid for Time Worked – If you are at work or even traveling for work, you are almost always entitled to compensation for your time. Some employers attempt to pay for only some of the hours. This is wage theft and is always illegal.

Retaliation – If you feel you are being mistreated or retaliated against after reporting your employer or bringing legal concerns about your employer to light, you have the right to protection. Employers may not mistreat you or take any type of retaliatory action against you in these types of cases.

Missing Overtime – Some employers attempt to pay their employees only straight time even if they are working over 40 hours per week. Others will misclassify employees as exempt when they shouldn't be so that they don't have to pay them overtime. These are both illegal actions and you can sue for just compensation.

Protection from Family or Caretakers

One of the scariest parts of getting older is that you may also become more vulnerable. Whether it is because of disease or other problems, some people attempt to take advantage of the elderly in many different ways. This could be caretakers who have been hired to help with various things, or even family members. Consider the following ways to help keep yourself, and your estate, protected from those who would exploit your situation.

Proper Legal Documents – As soon as you are able, you need to fill out all the proper legal documents to help keep yourself and your assets protected. Depending on your situation this could be just a simple will but it will generally include an advanced directive or other items as well.

Nursing or Elder Care Abuse Protection – If you are going to be living in a long term care facility or even just having someone come in to your home a few hours a week to help you out, you need to know how to protect yourself in the event that there is abuse. Working with your family, always be aware of these risks and type of abuse is occurring, work with an attorney to get the protection you need.

Medicaid Help – You may qualify for Medicaid and other programs that are in place to help you with what you need. Even if you have been denied for it in the past, you may still be entitled to these benefits. Work with your elder law attorney to see if this is something you qualify for.

No matter what situation you are in, there is the potential for abuse and exploitation. To keep yourself and your assets safe, you need to know how to spot problems and what to do when they occur. If you ever have any questions about something that doesn't seem right, or you want to file a lawsuit against someone for exploiting you, please don't hesitate to call our law offices right away.