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Attorneys for Plaintiff

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICKI WEST,
vs.
COLVIN OIL COMPANY, dba
FIREBALL GAS, a foreign corporation,
Defendant.

Case No. S-07-2073 GGH

**STIPULATION AND
ORDER REGARDING EXEMPT
AND NON-EXEMPT TASK
CLASSIFICATIONS**

Date: April 27, 2009
Time: 8:30 a.m.
Judge: Hon. Gregory G. Hollows

West v. Colvin Oil Company

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Pursuant to this Court's Pretrial Order dated March 27, 2009, the parties, by and through their undersigned counsel of record, hereby submit the following Stipulation Regarding Exempt and Non-Exempt Task Classifications. The parties hereby stipulate as follows:

- A. That all of the following tasks shall be classified as Exempt Work Tasks for trial purposes:
 1. Interviewing job applicants and hiring employees;
 2. Training employees on job functions, company policies and procedures;
 3. Distributing and assigning other employees' work tasks;
 4. Schedule other employees' work hours and shifts;

- 1 5. Appraise and evaluate employees' productivity and job performance;
 - 2 6. Provide feedback to employees on all aspects of their job performance;
 - 3 7. Handle and resolve employees' complaints and grievances;
 - 4 8. Counsel, discipline and reprimand employees;
 - 5 9. Terminate employees' employment;
 - 6 10. Monitor and attempt to ensure that employees receive all meal and rest breaks including the following: (1) communicating with employees about their meal and rest breaks; (2) reviewing employee time records; and (3) watching and monitoring employees to ensure that meal and rest breaks are properly taken;
 - 7 11. Exercising discretion to determine the location of products and type of products to be sold in the store
 - 8 12. Organize and maintain employee files;
 - 9 13. Attend manager meetings at corporate office;
 - 10 14. Meet and confer with store's assistant manager regarding employee performance, store operations and company policies and procedures and
 - 11 15. Meet and confer with Colvin Oil's supervisors and managers regarding employee performance, store operations and company policies and procedures.
- 16 B. That all of the following tasks shall be classified as Non-Exempt Work Tasks for trial purposes:
- 18 1. Cashiering / Making sales to customers;
 - 19 2. Cleaning;
 - 20 3. Stocking products;
 - 21 4. Front facing products;
 - 22 5. Bagging Ice;
 - 23 6. Performing maintenance work of any kind;
 - 24 7. Making coffee;
 - 25 8. Performing routine inventory counts;
 - 26 9. Talking with other employees, supervisors or vendors about issues other than employee performance, store operations or company policies and procedures and

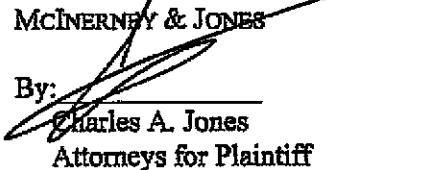
- 1 10. Checking in vendors.
- 2 C. That the Court will need to determine the proper classification of all the following
- 3 tasks as either Exempt or Non-Exempt for trial purposes. The parties will submit
- 4 further briefing regarding whether the tasks identified below should be properly
- 5 classified as either Exempt or Non-Exempt work tasks for trial purposes:
- 6
- 7 1. Completing routine paperwork or bookwork;
- 8 2. Invoicing;
- 9
- 10 3. Performing the same type of work as other hourly employees, except for
- 11 training purposes;
- 12 4. Driving to the bank to drop off the deposit / pick up change;
- 13 5. Retrieving merchandise from other stores;
- 14 6. Performing customer service;
- 15 7. Develop and maintain professional relationships with suppliers and
- 16 vendors;
- 17 8. Complete, review and submit company reports;
- 18 9. Organize and maintain company records;
- 19 10. Organize and maintain company records;
- 20 11. Analyze daily sales and expense information; and
- 21 12. Budget and forecast profit and loss information.

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23 Dated: April 6, 2009

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25 MCINERNEY & JONES

26 By: 
27 Charles A. Jones

28 Attorneys for Plaintiff

1 Dated: April 6, 2009

CARR, KENNEDY, PETERSON & FROST

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BY:

Mark Vogh

Attorneys for Defendant

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ORDER

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IT IS SO ORDERED.

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10 Dated: April 14, 2009


GREGORY G. HOLLOWWS

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United States Magistrate Judge
Honorable Gregory G. Hollows

STIPULATION AND [PROPOSED] ORDER REGARDING EXEMPT AND NON-EXEMPT TASK
CLASSIFICATIONS
