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The Department of Labor has an “app” for that.

Employment attorneys make it a practice to caution employers to be diligent about keeping accurate time records, especially for their hourly non-exempt employees. Now, with the new app launched by the Department of Labor (DOL), employers must be even more vigilant. The DOL recently launched a free application for smartphone users that allows employees to track the hours they work and the wages they, ostensibly, earned. The DOL makes it clear in its press release that it intends to use the information recorded by employees in its enforcement efforts against employers. To that end, the app includes information about how to file a wage complaint and even has a prominently placed “Contact Us” button that allows an employee to easily access the DOL to begin the complaint procedure. Employees without smartphones can print the work hours calendar and other information from the DOL’s website for now. However, the DOL is already working on making the app accessible in other formats and updating it to include tracking for tips, commissions, bonuses, deductions, holiday and weekend pay, shift differentials, and more.

Now, more than ever, it is vital for employers to re-examine their policies and practices concerning timekeeping. At a minimum, employers should have a policy in place that defines the approved time-keeping method for employees, whether it is time clocks, attendance sheets, etc., as well as the procedure for verification and submission of time sheets and approval for overtime. To address the new app, employers should consider requiring employees who use any other time-keeping method in addition to the approved method to turn in those records as well. The policy should state, in no uncertain terms, that non-exempt employees must accurately record and submit their time records in accordance with the employer’s procedure and may not work overtime without the express approval of their supervisor. Confusion often arises among employers with regard to such a policy. Because the FLSA requires employers to pay employees for any work they “suffer or permit,” employers must compensate employees who work overtime or other

hours even if not expressly approved in advance, however, employers can and should discipline employees who violate the rule. Policies should also include strong language prohibiting all “off the clock” work by hourly non-exempt employees. It is this “off the clock” work that often becomes the basis of a wage and hour lawsuit against an employer. This new app will make it even easier for an employee to create a record of hours worked both on and off the clock.

Once a lawsuit is initiated, it quickly becomes a contest of time records. The information recorded on the new DOL app could prove to be devastating for the unsuspecting employer who fails to maintain accurate and detailed time records. Employers should re-visit their policies and discuss with their employment counsel any revisions that should be made in light of this new app. Employers should also consider reminding their employees about the company’s policies and procedures with regard to timekeeping.

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If you have any questions or comments regarding this information, or would like to discuss other labor and employment issues, please contact Terri Imbarlina Patak at 412-392-5613 or via e-mail at tpatak@dmclaw.com, Thomas H. May at 412-392-5437 or via e-mail at tmay@dmclaw.com, or any other Dickie, McCamey & Chilcote lawyer with whom you have worked.

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