



DEPARTMENT OF LABOR LAUNCHES SMARTPHONE APPLICATION FOR TRACKING HOURS

The following was noted on May 9, 2011, on the Department of Labor's Website:

The U.S. Department of Labor today announced the launch of its first application for smartphones, a timesheet to help employees independently track the hours they work and determine the wages they are owed. Available in English and Spanish, users conveniently can track regular work hours, break time and any overtime hours for one or more employers. This new technology is significant because, instead of relying on their employers' records, workers now can keep their own records. This information could prove invaluable during a Wage and Hour Division investigation when an employer has failed to maintain accurate employment records.

The free app is currently compatible with the iPhone and iPod Touch. The Labor Department will explore updates that could enable similar versions for other smartphone platforms, such as Android and BlackBerry, and other pay features not currently provided for, such as tips, commissions, bonuses, deductions, holiday pay, pay for weekends, shift differentials and pay for regular days of rest.

For workers without a smartphone, the Wage and Hour Division has a printable work hours calendar in English and Spanish to track rate of pay, work start and stop times, and arrival and departure times. The calendar also includes easy-to-understand information about workers' rights and how to file a wage violation complaint.

We took a few minutes to explore the Labor Department's new app. The app allows the employee to enter multiple employers, and the employee is prompted to enter his hourly rate of pay for each. The employee can use a timer to record time worked in real time, or the employee can manually enter time worked on any given day. If using the timer, the employee can also stop and start the timer to record breaks. The Labor Department also takes this opportunity to offer information regarding the employee's break rights and provides a telephone number for the Wage and Hour Division should the employee have questions. The app also provides the employee a summary of time worked, which the employee can email in spreadsheet format to anyone directly from the iPhone or iPad. The summary lists the total hours worked by the employee, total break hours taken, overtime hours worked, regular pay, overtime pay, and gross pay.

Needless to say, it is imperative that employers accurately record the working time of all non-exempt employees, and ensure that employees are taking full half-hour and uninterrupted *meal* breaks. And, of course, you must make sure that you are paying time and a half for all hours worked over 40.



If you have any questions about whether you are accurately recording working time or properly paying your non-exempt employees, we recommend that you speak with your employment counsel.

—*Sidney F. Lewis, V and Mary Margaret Spell*



Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

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