

Alan B. Pearl & Associates, P.C.

The Department of Labor goes Hi-Tech

The Department of Labor (DOL) takes Wage and Hour Laws very seriously. Every day the DOL is vigorously pursuing employers who are not correctly paying their employees. On May 9, 2011 the DOL announced the launch of their first application for smart phones. This application is available in Spanish and English for the employees' convenience. This application allows employees to keep track of the time they arrive to work, lunch breaks, time of departure, and overtime hours. Employees are now capable of easily keeping an accurate timesheet on their electronic device to determine if they are being properly compensated for the hours they have worked. The application is free. The DOL is allowing this application to play an extremely important role in a Wage and Hour investigation. If an employer is inaccurately keeping their employee's time records, the employee is allowed to use this new application as backup and proof of time worked in a lawsuit. As PMP has advised in previous emails and blogs, all employers should review their employee classifications along with assuring that hourly employees are paid overtime after 40 hours worked per week (or as otherwise required by law).

The application is currently available to all iPhone and iPod Touch users. The DOL is currently looking into creating this application so it is compatible with other smart phones such as Android and BlackBerry. What happens if the employee doesn't have an iPhone or iPod Touch? The DOL has printable and easily accessible versions of this calendar found in Spanish and English on their website. The calendar also includes information in "plain English" regarding employee's rights and how they can easily file a wage violation complaint. Currently, the application will not calculate information for employee tips, commission, bonuses, deductions, holiday pay, pay for weekends, shift

differentials and pay for regular days of rest. Don't be surprised if this in the DOL's agenda for the near future.

The DOL is serious about Wage and Hour Laws. PMP recommends that employers take these laws just as seriously. The DOL is harshly enforcing the rules on companies which are incorrectly paying their employees. Don't let your company be caught in this mess! Recent news reports confirm the high cost employers are paying to settle Wage and Hour cases. Do a Wage and Hour audit now to ensure that you are in compliance and can prove it if necessary.

With over sixty years combined experience, the attorneys at **Alan B. Pearl & Associates** are prepared to assist with labor negotiations, grievances, arbitration, and opposing union organization efforts. Services also include preparation and review of employment agreements and restrictive covenants. For more questions about this article please do not hesitate to call Alan at 516-921-3400.

Alan B. Pearl & Associates prides itself on the exceptional and personalized service it provides to clients. There is no "voice mail" - instead, phone calls are returned promptly. The attorneys are well aware that time is critical in labor relations and employment matters.

Alan B. Pearl and Associates, P.C. is celebrating our 35th Anniversary!
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