



LEGAL Q&A

Q What do employers need to know about the new US DOL smart phone app?

A The U.S. Department of Labor (“DOL”) recently launched its first smart phone app, which acts as an electronic time-sheet, allowing employees to track their work hours and pay. Employees can input an hourly rate and hours worked, and the app will calculate the wages due, including overtime. Employees can even send their records to the DOL directly from their phones.

According to the DOL, the records “could prove invaluable during a Wage and Hour Division investigation when an employer has failed to maintain accurate employment records.” This means the records may be considered evidence of hours worked where an employer has failed to maintain records as required by law. Significantly, the app does not account for lawful rounding practices, and permits the start and end times to be easily manipulated by the user.

Employers can protect against misuse of this app by instituting record-keeping policies, and requiring hourly employees to clock in and out, and verify their hours each week.



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