

News You Can Use



Because You're Different

Litigation Risk

Wage & Hour Claims Loom as Remote Work Grows

WITH MANY companies having decided to allow staff to work remotely permanently or split time between working at home and in the office, employers have to be especially careful about timekeeping and complying with wage and hour laws.

That includes requiring staff to show they take meal and rest breaks and that they are compensated for overtime when they are asked to work extra hours.

The lines between work and home life can often blur for remote workers and it's not unusual for people to work at unusual times when telecommuting. But it's important that you set rules for your employees to ensure they are not working more than they should, particularly for nonexempt employees.

Also, because time can pass quickly when working remotely, it's easy for employees to work past quitting time because they lack the visual clues of others leaving the office at 5 pm.

If you fail to keep tabs on hours worked, meal breaks and rest breaks, your organization could be sued by employees who feel cheated – or face enforcement action by the state.

What you can do

To avoid that, here are some tips you may want to consider:

Keep a general schedule for workers – By creating a schedule for employees to follow, it will be easier for managers and supervisors to monitor their hours. Require staff to follow the schedule and take meal and rest breaks as if they were in the office.

Require them to record their time – There are a number of time-tracking applications and tools available to employers who have remote workers.

An off-the-shelf app can be easily installed on your employees' computers for them to log into when they start and finish work and take breaks.

These apps also help you keep track of any overtime they may work.

Closely monitor employees for overtime worked – One of the biggest risks in the wage and hour arena is not paying workers for overtime. This mistake is much easier to make when you have staff who work remotely.

Don't run afoul of overtime laws. Carefully monitor any and all overtime your staff logs.

Check in with your workers – A friendly reminder never hurts. You may want to connect with your employees on occasion to make sure they are taking scheduled paid rest breaks as well as their lunch breaks in accordance with state laws.

All your staff should have a copy of your meal and rest break policy, which should be written in clear language to reinforce the importance of taking scheduled breaks.

The takeaway

If you have staff who work from home full-time or a few days a week, inform them that they need to track their time, take required breaks and report any overtime they work.

This is most important for nonexempt staff, whom you are required to pay overtime if they work more than eight hours a day. ❖



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