

MANAGER TRAINING ON OR OFF THE CLOCK?



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The law requires any person performing work duties to be paid. Allowing employees to work off the clock can result in claims and penalties against the company.

Just like managers and supervisors expect to be paid for work performed, so do nonexempt employees. No one should be allowed to work without being compensated. This is where you, as a manager, make a difference.

To minimize an employer's exposure to claims for unpaid wages, managers should ensure that nonexempt employees do not work off the clock and to remember the following:

- Managers cannot direct someone to work off the clock. It is unlawful.
- Do not say "we cannot pay you overtime." A better way to address this is "we need to know the time you work so that we can pay you accordingly."
- It is not about paying overtime, it is about working but not getting paid for the work. Hold supervisors accountable for not enforcing this rule or policy.
- If supervisors and managers look the other way and do not report off the clock work, they are condoning the behavior. Condoning this behavior is not defensible in court. Being proactive is key.
- It is unlawful to change an employee's clock in/out time.
- Employees need to be held accountable for clocking in and out. Follow the company's policy and past practices.
- The company should have clear policies for off the clock work.
- Employees should be encouraged to report any concerns to their manager or HR.
- Train employees on the proper use of time clocks or reporting on timecards.
- Post the policy near the time clock.

If a manager or supervisor has heard or witnessed an employee working off the clock, they should address the matter with HR, even if the employee has not brought up the matter themselves.