



Your Time is Our Business

(800) 524-2294

Top 5 Employer Compliance Issues: *How IntegrTime Solutions will minimize Compliance risks and costly litigation.*



By IntegrTime Solutions, Inc.



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1- Wage-and-Hour issues facing employers today

One in three companies has been hit with a wage-and-hour claim in the past year. You could be next!

According to the U.S. Department of Labor, **more than 80% of companies are out of compliance** with federal and state wage-and-hour laws.

Wage and hour lawsuits pose the single greatest threat to your business!

Employers are being hit from two sides. On one side, there is a better funded, more fully staffed Department of Labor that has made fighting employer 'wage theft' one of its key priorities. On the other side are aggressive plaintiff law firms that literally salivate at these easy-to-identify and easy-to-win, lucrative class actions.

Finding technical violations of antiquated wage-and-hour laws is relatively simple, and the burden of proof is on the employer who is presumed guilty until proven innocent. If an employer pays an employee improperly, the employer is strictly liable for the underpayment. Period. It does not matter whether the underpayment resulted from intentional misconduct or an innocent error or omission. Employees who have been underpaid can recover up to 2 years of back pay, unless a willful violation is established, then it's 3 years.

Why Are Employers So Frequently the Target of Wage and Hour Claims?

Wage-and-hour issues are some of the most tricky and difficult to understand and comply with for employers. This is not only because employers must comply with overlapping and often inconsistent federal, state and local wage and hour laws but also because some states like California, in particular, has heavily regulated the area of employee wages and hours.

Wage-and-Hour Claims Typically Alleged Against Employers

Employers have increasingly become the target of litigation and, in particular, class action litigation as well as government agency audits involving claims of alleged wage-and-hour violations which impact nearly every aspect of the employment relationship.

These allegations typically involve several major areas of wage-and-hour law, including:



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- 1- Lunch Laws & Paid Breaks (aka Coffee Breaks)
- 2- Failing to pay overtime correctly
- 3- Failing to pay for all hours worked (donning and doffing, "Portal-to-Portal")
- 4- FMLA and tracking FMLA leave balances
- 5- Recordkeeping Regulations

Minimize Future Wage-and-Hour Exposure with IntegrTime Solutions, Inc.

Our Attendance Enterprise will reduce potential litigation, grievances and audit risk with a single solution for applying, storing and accessing your Workforce information. Attendance Enterprise minimizes compliance risks by consistently applying policies- whether the policies are Federal, State, Union, internal or industry-specific.

The following pages will describe in detail how each of the "Top 5 Employer Compliance Issues" affects your organization and in detail how our Attendance Enterprise Time & Labor Management solution will minimize potential compliance risks and costly litigation. In addition, Attendance Enterprise will reduce labor cost, thus increase your profitability.

"We have to track complex employee pay rules, especially at the Southern California facility, involving compensation levels, premiums and shift differentials. Also, we have to contend with the strict California Lunch/Meal Break Laws that penalize us if not followed closely. IntegrTime easily set up this process for us."

Eva Bogart, Senior Payroll Processor
PennySaverUSA-Harte-Hanks Shoppers



"Attendance Enterprise easily handles State and union compliance with highly configurable calculation rules and reporting such as archived employee data by the day, work center or by department. Archiving labor and wage data for State & union compliance reporting is significantly improved."

Jeff Pugh, Human Resource Manager
Spring Air Mattress



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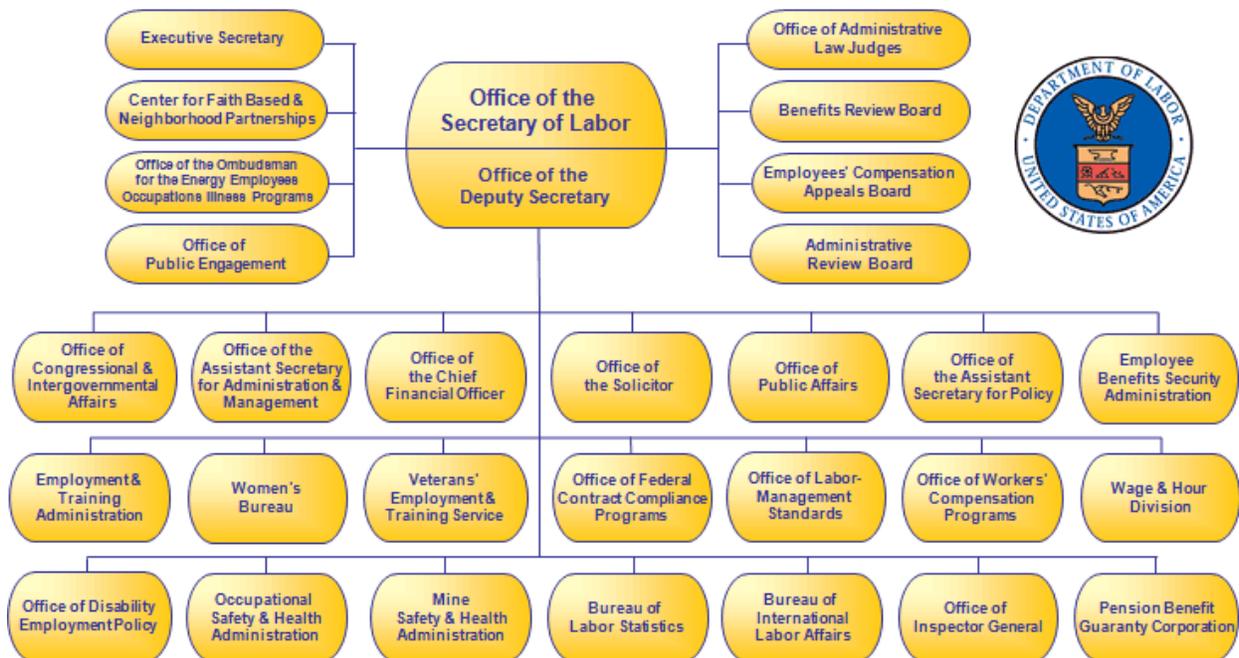
2- Who is the Department of Labor (DOL)? <http://www.dol.gov/index.htm>

Formed March 4, 1913, The United States Department of Labor is a Cabinet department of the United States government responsible for occupational safety, wage and hour standards, unemployment insurance benefits, re-employment services, and some economic statistics. Many U.S. states also have such departments. The department is headed by the United States Secretary of Labor. Thomas Perez is the current Secretary of Labor.



The purpose of the Department of Labor (DOL) is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. In carrying out this mission, the Department of Labor administers and enforces more than 180 federal laws. These mandates and the regulations that implement them cover many workplace activities for about 10 million employers and 125 million workers.

Vowing to fight employer noncompliance, President Obama increased the DOL's budget for 2010, which means even stricter enforcement of wage and hour laws and hundreds of additional field investigators. These investigators are tasked with closely examining the pay practices surrounding overtime, off-the-clock work, meal and rest breaks and auto-deduction at employers across the U.S.





3- What Is the Fair Labor Standards Act?

<http://www.dol.gov/compliance/laws/comp-flsa.htm>

The Fair Labor Standards Act (FLSA) enacted in 1938, advocates for workers by establishing minimum-wage, overtime, and child labor standards in the United States. These standards usually apply only to hourly employees, but some salaried employees also are covered under FLSA. In fact, the only true measure of whether or not employees are covered by the FLSA is their status: exempt or nonexempt, as determined by the employee's primary duties.



The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

FLSA Minimum Wage: The federal minimum wage is \$7.25 per hour effective July 24, 2009. Many states also have minimum wage laws. In cases where an employee is subject to both state and federal minimum wage laws, the employee is entitled to the higher minimum wage.

FLSA Overtime: Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay. There is no limit on the number of hours employees 16 years or older may work in any workweek. The FLSA does not require overtime pay for work on weekends, holidays, or regular days of rest, unless overtime is worked on such days.

Hours Worked: Hours worked ordinarily include all the time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace.

Recordkeeping: Employers must display an official poster outlining the requirements of the FLSA. Employers must also keep employee time and pay records.

Child Labor: These provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being.



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“White Collar” Exemptions of FLSA

Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees who are employed in a bona fide:

Executive;

Administrative;

Professional; or

Outside Sales capacity.

Certain computer employees may be exempt professionals under Section 13(a)(1) or exempt under Section 13(a)(17) of the FLSA.

4- Who is the Wage and Hour Division (WHD)?

Mission Statement- The Wage and Hour mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the Nation's workforce.



The Wage and Hour Division was created with the enactment of the Fair Labor Standards Act (FLSA) of 1938. The Division is responsible for the administration and enforcement of a wide range of laws which collectively cover virtually all private and State and local government employment. **The Division is comprised of a nationwide staff of investigators, supervisors, and technical and clerical employees responsible for enforcing FLSA**, Government Contracts labor standards statutes, the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, and the Family and Medical Leave Act. The Immigration Reform and Control Act of 1986 also provided certain additional enforcement responsibilities to be undertaken by the Wage and Hour Division staff.



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5- Lunch Laws (Meal Breaks) & Paid Breaks (aka Coffee Breaks)

Under Federal law, employers don't have to provide lunch or coffee breaks. Also, employers don't have to pay for lunch breaks that you are given.

However, your State might have **mandatory** meal breaks. The requirements vary, but many employees are guaranteed a 30 minute meal period per shift. To qualify, your shift will generally need to be 6 hours, and maybe even 8 hours long.

These states require meal periods: California, Colorado, Connecticut, Delaware, Illinois, Kentucky, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New York, North Dakota, Oregon, Rhode Island, Tennessee, Washington, and West Virginia.

To find your state's requirements, check out the Department of Labor's chart at:

<http://www.dol.gov/whd/state/meal.htm>

You should note that there are very few situations where the job does not actually permit a meal break. For instance, if you are a security guard at a remote location, it would not be realistic to stop guarding for 30 minutes while you take a break. In such a case, if you had a written agreement, you could work through your meal period. On the other hand, if you work in a small store and are the only one watching the store, this would likely not qualify. The reason is that you could simply close the store and take your meal break.





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It should be noted that most jobs where you work with other people who can cover your shift for 30 minutes will never qualify for the "on duty" meal period.

Another common violation by employers is to have the employee take the break at the beginning or end of the shift. For instance, they have the employee just work 7 1/2 hours and then take their lunch break for 30 mins. Rather than return after the 30 mins, they just have the employee go home. This policy is clearly illegal because the law states that you can not work more than 5 hours without a meal break. Thus, if you work 7 1/2 hours without a break, it does not matter if you could take one before or after you clock out- it is still illegal. Only bona fide meal breaks that occur at least every 5 hours are allowed under the law.

Extra Pay When You Don't Get A Meal Break (Penalty/Bonus)

In California, the law requires that "If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided." <California Code of Regulations, Title 8, §11040>.

There is sometimes some confusion about this when you work more than 10 hours and are thus entitled to 2 meal breaks. If you don't get either of the meal breaks, you are still only entitled to 1 hours pay. That is, the violation is "per day" rather than per violation. In addition to the one hour of pay, the extra compensation can increase the amount of overtime that you are due.

Statute of Limitations

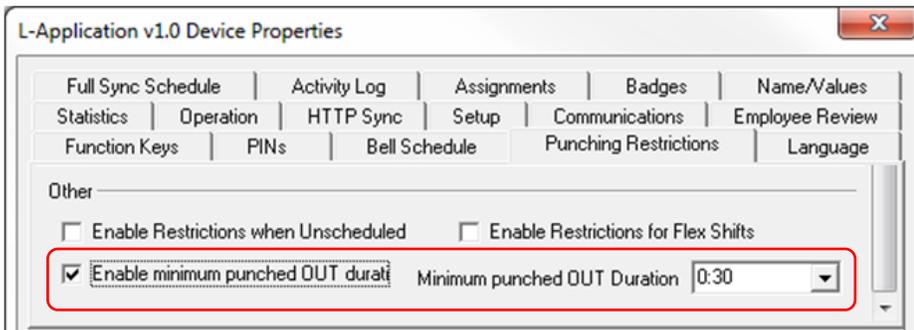
The California Supreme Court just made a landmark labor law decision (Murphy v. Kenneth Cole Productions), the Court held that payments made for violations of meal breaks are considered "wages" and subject to the 3 year statute of limitations for wages. While the Court specifically held that Meal Premiums could go back for 3 years, it is very likely that employees will be able to go back a total of 4 years under unfair competition statutes.





Attendance Enterprise ensures “Lunch Law” Compliance:

Using the 30 minute “lockout” feature in Attendance Enterprise, employees punch out for lunch and will not be allowed to punch back in for work until 30 minutes have passed. This functionality is available for IT3100 and HP4000 (biometric hand punch) clocks.



Another option would be to simply flag the Supervisor that a “short lunch” was taken. A report can be run to display employees who are not taking their full 30 minute lunch. Corrective action can then be taken with the offending employee(s).

Detailed Exception Report

Department: GRND

Chambers, Kevin M

ID: 0710328

Badge: 710328

Date	In	Out	In	Out	Hours	Schedule	Exceptions
Fri Mar-04	7:32	12:30	12:45	16:00	8:00	7:30/16:00	Shrt. Lun.



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Paid Breaks (aka Coffee Breaks)

Like meal periods, the Federal government does not require coffee breaks. However, any short breaks (usually 5-20 minutes) that are given must be paid.

A few states give you a right to short breaks. In these states, you generally get a 10-minute break for every 4-hour shift. These states include: California, Colorado, Illinois, Kentucky, Minnesota, Nevada, Oregon, and Washington.

For your state's requirements, the Department of Labor has a handy rest period chart:

<http://www.dol.gov/whd/state/rest.htm>



California labor laws require that employees get paid breaks if they work over three and a half hours a day. These mandatory breaks must be in the middle of each work period and must be 10 minutes for every four hours worked or fraction thereof. <California Code of Regulations, 29 785.18>

For example, an employee who works eight hours in a day is entitled to two ten-minute rest breaks.

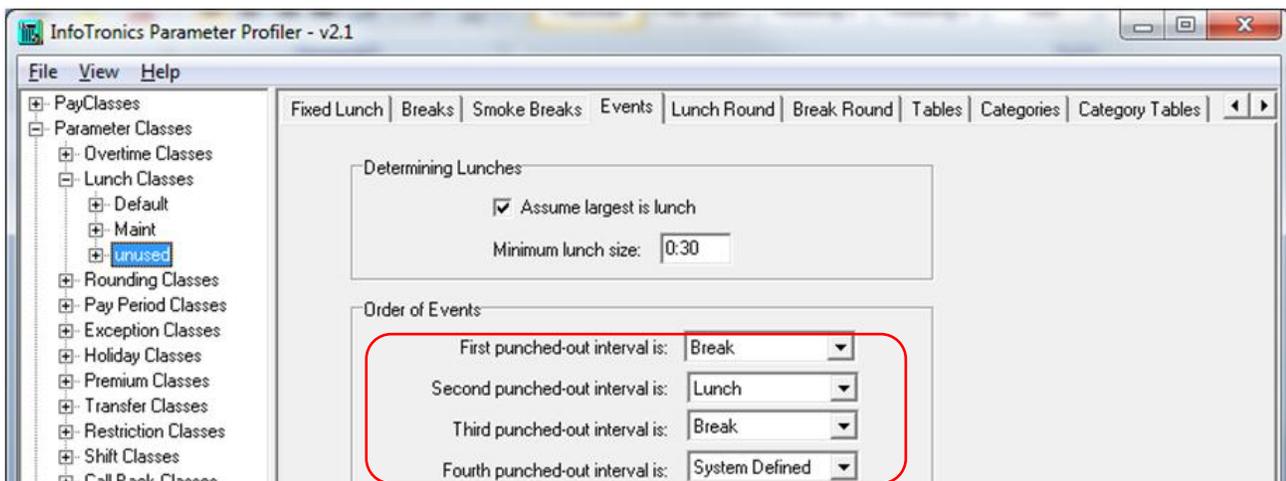
If an employer fails to provide an employee a rest period, the employee can recover one hour of pay for each work day that the rest period is not provided under the California meal period law.

An exception to the rule is made for bona fide "exempt" employees. They are not subject to this rule.



Attendance Enterprise ensures Paid Break (Coffee Break) Compliance:

Attendance Enterprise can be configured to track “paid breaks” based on an employee schedules- one 10 minute break in the morning and one 10 minute break in the afternoon. Employees punching for paid breaks is not mandatory, but is highly recommended to ensure compliance.





6- Failing to pay overtime correctly

<http://www.dol.gov/dol/topic/workhours/overtime.htm>

Unless specifically exempted, employees covered by the Act must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay. There is no limit in the Act on the number of hours employees aged 16 and older may work in any workweek. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, as such.

Some states have overtime laws. In cases where an employee is subject to both the state and federal overtime laws, *the employee is entitled to overtime according to the higher standard* (i.e., the standard that will provide the higher overtime pay).

The Fair Labor Standards Act (FLSA) has no requirement for double time pay.

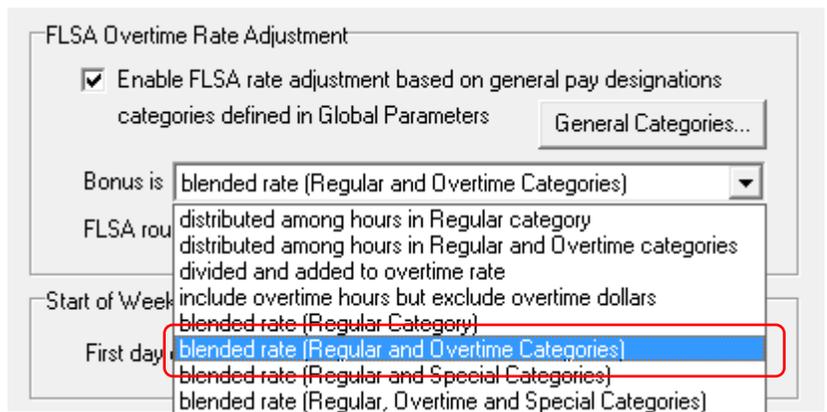
What Does the FLSA Say About Overtime Wages?

Because some employees work at different rates throughout the week, it can be complicated to calculate a fair overtime wage. According to the U.S. Department of Labor:

*“Where an employee in a single workweek works at two or more different types of work for which different straight-time rates have been established, the regular rate for that week is the **weighted average** of such rates. That is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs.”*

Attendance Enterprise ensures FLSA Overtime Compliance:

The “blended rates” feature in Attendance Enterprise makes it easy to manage employee overtime pay. Even in complex situations where employees earn different hourly rates for several types of work, AE will calculate and track hours using an overtime rate that is compliant with FLSA. That means that the employee’s weighted average pay is used as the base pay for overtime calculations.





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Overtime rules in California state that employees and workers are entitled to receive overtime pay for working more than 8 hours and 12 hours in a day or 40 hours a week. An 8-hour period constitutes a day's work. Working beyond those hours, or more than 6 days in a week, is allowed as long as the employee is compensated for overtime pay.

1. An employee working beyond 8 hours should be given one and one-half times (1.5x) his or her regular rate of pay. This includes beyond the 8 hours (up to 12 hours) in any one workday AND the first 8 hours of work on the 7th consecutive working day in a workweek.

2. An employee's rate of pay is doubled (2x) when he or she works 12 hours in any one workday AND beyond 8 hours of the 7th consecutive working day in a workweek.



Authorized and Unauthorized Overtime

An employer may dictate his or her employee's work schedule as well as hours. An employer may discipline employees if they violate the company's policy of rendering unauthorized overtime.

However, the California law still requires employers to pay overtime for the excess hours that the employees worked, regardless of whether or not the overtime work was authorized. The rate of one and a half times (1.5x) of the employee's regular rate must be paid for hours worked beyond 8 hours to 12 hours of work. The overtime rate goes up to double (2x) of the employee's regular rate to the extent that the employee works in excess of 12 hours.

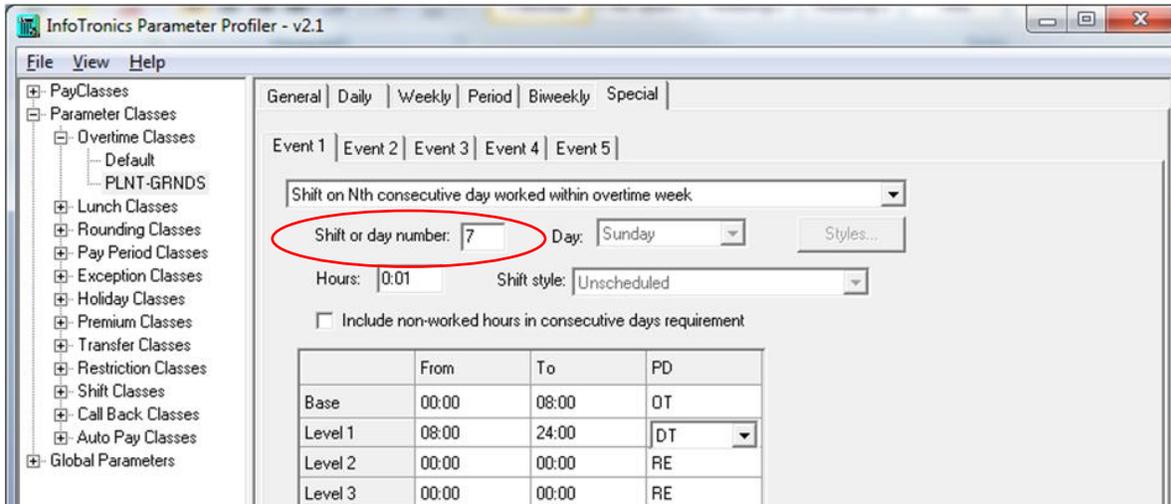


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Attendance Enterprise ensures California Overtime Compliance:

Attendance Enterprise will be configured to accurately track California overtime rules for **Daily** (over 8 hours & over 12 hours), **Weekly** and **7th Consecutive Day**.



Although the employer is required to pay overtime whether it's "Approved" or "Unapproved" in California, Attendance Enterprise can be configured to accommodate Supervisor and/or Payroll "Approval". This will at least ensure disciplinary action will be taken against offenders who create overtime when it's not approved or required.

Adams, Kathy (L1, CASHIER, S2) Curr 11/14/05 to 11/20/05

Last Name	First Name	ID	Badge	Location	Department	Cost Center	Hired
Adams	Kathy	010015	178	L1	CASHIER	S2	10/05/89

Date	Schedule Start	Schedule End	Punches In	Punches Out	Hours	Department	Cost Center	Workgroups From
11/14	8:15	16:45	8:14	16:30	7:45	CASHIER	S2	8:14
11/15	8:15	16:45	8:14	16:57	8:00	CASHIER	S2	8:14
11/16	8:15	16:15	8:14	16:15	7:30	CASHIER	S2	8:14
11/17	Vacation	8:00			8:00			
11/18	8:15	16:45	8:15	16:45	8:00	CASHIER	S2	8:15
11/19								
11/20								

Time Card Approved Time Card Not Yet Locked

Summary | FLSA | Vacation | Sick | FMLA | Editing



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7- Failing to pay for all hours worked (donning and doffing)

http://www.dol.gov/whd/opinion/adminIntrprtn/FLSA/2010/FLSAAI2010_2.htm

"Donning and doffing" wage-and-hour rights are based on the Fair Labor Standards Act (FLSA). In the 2005 Supreme Court case, *IBP v. Alvarez*, the high court ruled unanimously in favor of workers' rights—that they must be paid for the time spent walking to and from the place where they put on and take off their protective gear, and the place where they process the poultry or meat.

The Supreme Court decided that donning and doffing protective gear is a "principal activity" under law, and that under the FLSA, time spent donning and doffing, as well as any time walking or waiting that occurs after the worker begins his first principal work activity, and before he finishes his last work activity, is part of the worker's "continuous workday" and is compensable under law.

The Court also ruled that waiting time before the very first principal activity is not compensable, unless the workers are required to report to work at a specific time.

Can you afford this penalty?

Tyson Foods, Inc., one of the world's largest processors of chicken, pork and beef, agreed to pay nearly 3,000 current and former workers \$500,000 in regular and overtime back pay for poultry processing work that dates back 10 years.

According to the DOL, Tyson violated federal law by not paying workers regular and overtime pay to compensate them for the time it took to put on and take off protective and sanitary clothing before and after their shifts.





Attendance Enterprise ensures FLSA Compliance for “donning and doffing”:

Attendance Enterprise will be configured to accurately track “donning and doffing” activities on a daily basis and provide accurate reporting based on time spent for donning and doffing by employee. At the time clock (or Employee Self Service screen), your employees will simply select the function key for “donning” activity and hit the function key again for “doffing” activity.

Time Card Report

Aldredge, Deborah

Location	Default	ID Number	0348309
Department	HOUS	Class	Full Time
Position	45800HKPR	Hire Date	07/25/05
Badge	348309	Rate	0.0000

02/20/11 to 02/26/11

Date	In	Out	In	Out	Hours	Schedule
02/21/11	4:59	13:36			8:07	5:00/13:30
02/22/11	5:02	13:28			7:56	5:00/13:30
02/23/11	4:57	13:29			8:02	5:00/13:30
02/24/11	5:02	13:29			7:57	5:00/13:30
02/25/11	5:00	13:30			8:00	5:00/13:30

Dept-Act	Pay Designation	Hours	Rate	Dollars
HOUS-1	Regular	37:51	0.0000	0.0000
HOUS-DOFFING	Regular	0:55	0.0000	0.0000
HOUS-DONNING	Regular	1:14	0.0000	0.0000
HOUS-DOFFING	Overtime	0:02	0.0000	0.0000



7- "Portal-to-Portal Act" of 1947

In 1946, the United States Supreme Court ruled in *Anderson v. Mt. Clemens Pottery Co.* that preliminary work activities, where controlled by the employer and performed entirely for the employer's benefit, are properly included as working time under the Fair Labor Standards Act. The decision is known as the "Portal to Portal Act."

The 1947 Portal-to-Portal Act specified exactly what type of time was considered compensable work time. In general, as long as an employee is engaging in activities that benefit the employer, regardless of when they're performed, the employer has an obligation to pay the employee for his or her time.

It also specified that travel to and from the work place was a normal incident of employment and shouldn't be considered paid working time.

However, commuting time may be hours of work to the extent that the employee is officially ordered or approved to perform substantial work while commuting. Imposing even minimal requirements on employees, such as filling up the company car at a particular gas station or stopping at the post office on the drive home from work, can turn normal commuting time into compensable time under the FLSA. That's true even if the company-mandated "pit stop" doesn't lengthen employees' commute.

An employer is required to pay an employee for travel time from one job site to another in the course of a day's work if the employee must travel to accomplish the day's work. In California, if an employer requires employees to use employer-provided transportation such as a bus to get to work, employers must pay employees for the commute time.

The "special one-day assignment" rule applies when an employer requires an employee who usually works at one location to report for a day to an alternate work site. If the distance is under 30 miles from the "fixed official work station", then the employer is not required to pay for the additional time spent commuting. If the employee must commute to a location over 30 miles away from the "fixed official work station", then the additional time requires payment.

Compensable travel hours must be counted for purposes of calculating daily and/or weekly overtime.





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Overnight travel for non-exempt employees

Under California law, if an employer requires an employee to attend an out-of-town business meeting, training session, or any other event, the employer cannot disclaim an obligation to pay for the employee's time in getting to and from the location of that event. Time spent driving, or as a passenger on an airplane, train, bus, taxi cab or car, or other mode of transportation, in traveling to and from this out-of-town event, and time spent waiting to purchase a ticket, check baggage, or get on board is, under such circumstances, time spent carrying out the employer's directives, and thus, can only be characterized as time in which the employee is subject to the employer's control.

On the other hand, time spent taking a break from travel in order to eat a meal, sleep or engage in purely personal pursuits not connected with traveling or making necessary travel connections (such as, for example, spending an extra day in a city before the start or following the conclusion of a conference to sightsee), is not compensable.

The rate at which the travel must be paid depends upon the nature of the compensation agreement. If the employee has agreed to pay a fixed hourly rate of pay for any work performed, then travel time must be paid at that regular hourly rate, or if applicable, the required overtime rate. An employer may establish a separate rate of pay for travel before the work is performed for hourly employees, provided the rate does not fall below the statutory minimum wage. <State of California- Division of Labor Standards Enforcement>

Attendance Enterprise ensures Portal-to-Portal Compliance:

There are several ways that Attendance Enterprise can be used to accurately track Portal-to-Portal time. If your employee is traveling from one plant location to another, at the time clock (or Employee Self Service screen), your employee will simply select the function key when leaving "Location A" and simply select the function key upon arriving at "Location B". Travel time is accurately calculated and can be reported on. This process can be accomplished using our IT3100 line of time clocks or any biometric hand punch (HP2000 thru HP4000).





Attendance Enterprise can be used to accurately track Portal-to-Portal time through the use of Employee Self Service on a laptop or as a **mobile application**. If your employee is traveling out of town, actual travel time and worked hours can be easily tracked either in real-time or entered after the fact.

Punch		Activity	Tasksheet	Schedules	Personal	Benefits	Archives			
Change Department		Showing period from Mon Nov-14 05 to Sun Nov-20 05								
Enter Collected Tips		Date	Schedule	Start	End	Location	Department	Amount	PD	Hours
Request Day Off		Mon Nov-14	8:00a 5:00p	7:55a	12:00p	Nashville	CATCH	4:05	RG1	4:06
Schedule a Vacation Request		Accept								
Request an Extended Leave		Tue Nov-15	8:00a 5:00p	8:10a	9:00a	Nashville	TRANS	0:50	RG1	6:18
Request Off Part of Shift				9:00a	11:00a	Arlington	CATCH	2:00		
				11:00a	1:00p	Nashville	TRANS	2:00		
				1:00p	3:00p	Arlington	ADMIN	2:00		
		Accept								
		Wed Nov-16	8:00a 5:00p							
		Accept								

Attendance Enterprise also works seamlessly with USTelePunch as a "Hosted Telephony" solution. USTelePunch keeps employees connected by using the cell phone or land line as a punch collection device. This is a low cost "Hosted" application- no expensive phone equipment to purchase or install.



This interactive voice response system allows employees to punch, check their schedules, receive messages from their supervisors, call in sick, and request time off- all from a touch-tone telephone.





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8- FMLA- Family and Medical Leave Act

<http://www.dol.gov/whd/fmla/>

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

Twelve workweeks of leave in a 12-month period for:

- ✓ the birth of a child and to care for the newborn child within one year of birth;
- ✓ the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- ✓ to care for the employee's spouse, child, or parent who has a serious health condition;
- ✓ a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- ✓ any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

Twenty-six workweeks of leave during a single 12-month period to:

- ✓ Care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

How the DOL's New Lawyer Referral Program Will Increase Your Risk of FMLA Lawsuits!

The Wage and Hour Division (WHD) of the U.S. Department of Labor reports they received 40,000 FMLA related complaints in FY 2010 and estimate that about 10% go uninvestigated by the division due to lack of capacity. Consequently, at the end of 2010, WHD announced its new partnership with the American Bar Association (ABA) to actively refer workers with unaddressed claims to local ABA approved litigators specializing in FMLA and FLSA cases. WHD has stated they may decline to investigate a case if it doesn't align with the division's priorities, most of which fall under FLSA governance. This increases the likelihood that FMLA cases will be referred to private litigators in the ABA network. This also means employers face a greater chance of FMLA litigation as workers-whose claims might not have been prioritized by WHD- are encouraged to exercise their "private right to action."



Curbing FMLA Abuse- Do your employees treat FMLA like Friday-Monday Leave Act?

According to the Family and Medical Leave Act (FMLA), intermittent leave allows eligible employees to take job-protected leave in small increments instead of half or whole-day blocks. While intermittent leave gives employees greater flexibility in how they manage FMLA time, it also opens the door to more "creative" misuse and abuse of leave policies, challenging any organization's scheduling and administrative practices and negatively impacting company morale in wide-reaching ways.

Attendance Enterprise can act as a secret weapon to discourage wrongful FMLA leave by uncovering leave-taking patterns, easing scheduling shortfalls and simplifying leave administration to promote a positive organizational outcome.

Attendance Enterprise ensures Compliance for FMLA:

One way to avoid FMLA litigation is through accurate time tracking in Attendance Enterprise. Typical time tracking-related complaints include: delayed responses to FMLA requests, failure to designate leave as FMLA, inaccurately tracking FMLA leave balances, or changing worker benefits (such as vacation accrual, work schedule and pay) during employment reinstatement. Careful time tracking is the only way to counter these types of FMLA claims and reduce overall risk of litigation by ensuring an employer can accurately respond, record and report FMLA activity.

Attendance Enterprise reduces the risk to your organization by storing accurate, to-the-minute records of an employee's eligibility for, and use of, FMLA. Built-in automated FMLA calculations accurately determine if an employee is eligible or not in the Employment History or Benefit Activity Reports. Not all employees work enough hours or have been employed for long enough to take advantage of FMLA leave.

Accumulations	Occurrences	Amount	Exception	Occurrences	Amount
O/A	1	1:00	ABS	7	55:30
RG1	1	7:00	SCH	7	55:30
RG3	1	0:00	ATH	2	2
			UNS	2	7:00
			HRS	2	7:00

Summaries	Amount	Summaries	Amount
RG1	7:00	Weeks in Period	53
RG3	0:00	Worked Weeks in Period	1
O/A	1:00	Scheduled Weeks in Period	3
		Worked Hours in Period	7:00
		Scheduled Hours in Period	55:30
		Avg. Weekly Worked Hours	7:00
		Avg. Weekly Scheduled Hours	18:30

Not Eligible for FMLA Leave



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Attendance Enterprise tracks FMLA leave balances easily and in detail.

Period: Last 12 Months (FMLA) From: 7/28/2009 To: 7/27/2010

Pay Period Balances | Running Balances

Benefit	Pay Period		Usage		
	Begins	Balance	Date	Amount	Details
[-] Sick				0.00	
[-] Vacation				0.00	
[-] FMLA				80.00	
[-] Pay Per.	07/14/2010	80.00			... Avail 80.00; Remain 80.00; Used 0.00
[-] Pay Per.	07/21/2010	80.00		40.00	Avail 80.00; Remain 40.00; Used 40.00
Debit			07/21/2010	8.00	SupEdit
Debit			07/22/2010	8.00	SupEdit
Debit			07/23/2010	8.00	SupEdit
Debit			07/24/2010	8.00	SupEdit
Debit			07/25/2010	8.00	SupEdit

With advanced tracking capabilities, Attendance Enterprise will lower the cost of leave administration, help supervisors balance temporary help and department overtime costs, encourage fairness and consideration to all employees impacted by a coworker’s absence, and support the employee with legitimate FMLA needs by helping them manage their leave time responsibly.



9- Recordkeeping: FLSA Compliance & DOL Regulations....

The FLSA requires employers to keep records on wages, hours, and other items, as specified in DOL recordkeeping regulations. Most of the information is of the kind generally maintained by employers in ordinary business practice and in compliance with other laws and regulations. The records do not have to be kept in any particular form and time clocks need not be used. With respect to an employee subject to the minimum wage provisions or both the minimum wage and overtime pay provisions, the following records must be kept:

- ✓ Personal information, including employee’s name, home address, occupation, sex, and birth date if under 19 years of age;
- ✓ Hour and day when workweek begins;
- ✓ Total hours worked each workday and each workweek;
- ✓ Total daily or weekly straight-time earnings;
- ✓ Regular hourly pay rate for any week when overtime is worked;
- ✓ Total overtime pay for the workweek;
- ✓ Deductions from or additions to wages;
- ✓ Total wages paid each pay period; and
- ✓ Date of payment and pay period covered.

Attendance Enterprise maintains **unassailable** employee & wage and hour records

The screenshot displays the software interface for employee 'Lakewood, Lizzie A.'. It features several panels:

- Basic Information Panel:** Includes fields for Primary Phone (248) 555-1212, Secondary Phone, Union (None), Average Weekly Hours (40:00), Emergency Contact (Michael Lakewood 248-555-1213), Birthdate (1/14/1980), and Time Zone Residence (Same as Corporate).
- Address Panel:** Lists Address 1 (123 Main Street), Address 2 (Apt 4B), Address 3, City (Detroit), State/Prov (MI), and ZIP/PC (48335).
- Payment Information Panel:** Shows Rate of Pay (27.0000), Pay Type (Hourly), and Effective Beginning (6/16/2006).
- Rate History Table:**

Date	Rate	Status	Changed
9/1/2005	23.0000	Hourly	6/17/2006 7:00:01 AM
1/1/2005	20.0000	Hourly	9/1/2005 4:41:01 PM
1/1/2002	19.0000	Hourly	4/30/2005 8:01:01 AM
7/12/2000	16.5000	Hourly	1/3/2002 12:14:01 PM



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Pages Time Card Pay Periods Current Period Prev. Empl. Haag, Missy Next Empl. Time Card Normal Location L1 Department PH Cost Center DF

Haag, Missy (L1, PH, DF) Curr Mon Mar-26 12 to Sun Apr-01 12

Last Name	First Name	ID	Badge	Location	Department	Cost Center	Hired
Haag	Missy	10000	21659551	L1	PH	DF	Mon Feb-01 10

Date	Schedule	Punches	Hours	Location	Department	Workgroups	From	To	Hours	Exceptions
Date	Start	End	In	Out		Cost Center				
Mar-26	7:30	16:30								Absent (7:30/16:30)
Mar-27	7:30	16:30	7:21	16:42	Regular	DF	7:21	16:42	8:51	
Mar-28	7:30	16:30	7:29	16:37		DF	7:29	16:37	8:38	
Mar-29	7:30	16:30	7:20	16:31		DF	7:20	16:31	8:41	
Mar-30	7:30	16:30								
Mar-31	7:30	16:30								
Apr-1										

Time Card Not Yet Approved Time Card Not Yet Locked

Period Summary Daily Summary Adjustments Benefit Balances

Pay Class	Location	Department, Cost Center	Hours	Rate	Dollars
Regular		L1, PH, DF	34:10	0.5000	17.0833
Totals			34:10		17.0833

Attendance Enterprise employee time card is detailed and easy to read. Includes Period & Daily summaries. The time card can be approved by the employee and/or Supervisor.

Adams, Lisa M

Basic Personal Private Custom Workgroup Address Benefits Transfer Rates R
Hourly Status Pay Class Employment Status Corrective Actions Attributes

Current Status

Corrective Action 1st written warning
Date of Occurrence 9/3/2009

Notes because too many absent 3 in 1 week - w/e 9/1/10

Change...

Corrective Action History

Date	Status	Changed	Notes
09/03/09	1st written warning	10/26/09	because too many absent 3 in ...

Corrective actions with notes are recorded

Operator	Adjustments
USER	05/10/10 11:42 ADJ TRANS TIME FROM 08/17/09 8:39 TO 08/17/09 19:00
USER	05/17/10 7:52 TRANSFER TO 10 -200 -1310 ON 08/17/09 AT 5:56
USER	05/17/10 9:27 DEL PUN 08/17/09 14:08
USER	05/17/10 9:27 DEL PUN 08/17/09 16:57
USER	05/28/10 8:37 TRANSFER TO 10 -300 -DOCSCAN ON 08/17/09 AT 5:56
USER	05/10/10 11:42 ADD PUN 08/18/09 6:00
USER	05/10/10 11:42 ADD PUN 08/18/09 19:00
USER	05/28/10 8:37 TRANSFER TO 10 -300 -OFFTSK ON 08/18/09 AT 6:00
USER	05/17/10 7:49 ADD PUN 08/19/09 6:00

All adjustments to an employee's timecard and schedule are recorded



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IntegrTime Solutions, Inc. is here to help you!

The wage-and-hour laws in the U.S. are numerous and complex. **More than 80% of companies are out of compliance** with federal and state wage-and-hour laws. **One in three companies has been hit with a wage-and-hour claim in the past year.** You could be next!

Wage and hour lawsuits pose the single greatest threat to your business!

Now more than ever, you can't afford to make mistakes that violate U.S. wage-and-hour laws- and leave you vulnerable to lawsuits, fines, judgments, and bad PR. And now, you won't, thanks to IntegrTime Solutions, Inc. Our domain expertise as it relates to labor Compliance is unparalleled in the industry.

*Our Attendance Enterprise Time & Labor Management System **helps your organization stay legally compliant and reduces your liability BY:***

- ✓ Automating FLSA-compliant Lunches and Paid Breaks
- ✓ Calculating FLSA-compliant overtime wages automatically
- ✓ Tracking all hours worked such as donning & doffing, portal to portal, etc...
- ✓ Tracking employee FMLA eligibility, as well as the FMLA hours taken
- ✓ Maintaining unassailable employee & wage and hour records

Make IntegrTime your *preferred* choice when selecting a Time & Labor Management Solution partner. Call us at (800) 524-2294 for more information.

Disclaimer

This document simplifies a complex Act as it is understood by IntegrTime Solutions, Inc. It is not to be taken as legal advice. For further information about FLSA compliance, job classification, or proper overtime payment for employees please contact the U.S. Department of Labor at www.dol.gov or 1- 866-4-USA-DOL.