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HR BRIEF

Provided by Baldwin Krystyn Sherman Partners

DOL Issues Guidance on Tracking Hours of Work for Remote Employees

Recently, the U.S. Department of Labor (DOL) issued [Field Assistance Bulletin No. 2020-5](#) to remind employers of their obligation to accurately account for the number of hours their employees work away from the employer's facilities.

While the bulletin was issued in response to the high number of employees working remotely because of the COVID-19 pandemic, the DOL is also reminding employers that the underlying principles apply to other telework or remote work arrangements.

Compensable Time

The federal Fair Labor Standards Act (FLSA) requires employers to compensate their employees for all hours of work. Compensable time includes any hours an employee is requested or allowed to work, including telework or remote work.

For remote work situations, the bulletin clarifies that compensable time includes any time during which the employer knows or has reason to believe work is being performed, regardless of whether the work was authorized or requested.

Employer Takeaways

Under the FLSA, employers have an obligation to track the number of hours their employees work. For this reason, employers must provide reasonable procedures for employees to report any scheduled and unscheduled hours of work. However, the DOL states that "if an employee fails to report unscheduled hours of work through a reasonable process, the employer is not required to undergo impractical efforts to uncover unreported hours of work."

Finally, the bulletin emphasizes that employers bear the burden of preventing an employee from completing unauthorized or unwanted work.

How Social Distancing Is Impacting Workplace Culture

As the coronavirus pandemic continues to evolve, one guideline that is likely to last beyond this year is social distancing. Employers have a responsibility to keep employees healthy and safe, and that duty is shaping their return-to-work strategies.

As organizations take steps to prioritize health and safety, many of these measures, including social distancing, staggering shifts and employees working remotely—can reduce social interactions among employees.

As employers deliberate on new policies or procedures in response to the pandemic, it's important to consider how those efforts might affect company culture and vice versa.

What Employers Can Do

Regardless of whether employees are present at a work facility or working from home, here are some ways

to enhance workplace culture and connectivity amid social distancing:

- Embrace flexibility and ensure employees know their health and safety are among the organization's top priorities.
- Facilitate collaboration by investing in resources such as video conferencing technology, project management tools and socially distant or virtual collaborative workspaces.
- Encourage video calls for teams or departments to regularly check in with each other.
- Schedule virtual social gatherings for employees, and keep these events informal to preserve an organization's sense of fun.

For more workplace tips, contact Baldwin Krystyn Sherman Partners today.

