



Avoiding The Pitfalls Of Flexible Work Arrangements

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Are your clients seeing the end of 80-hour work weeks by employees? While workers may be accustomed to toiling around the clock in an effort to climb the corporate ladder, a recent study shows that more and more employers are encouraging improvements in work-life balance by offering flextime, alternative worksites and optional overtime in hopes of retaining employees who may be lured away by less-intensive hour requirements and/or more lucrative job opportunities.

Employers are adopting creative work schedules to encourage employees to stay put now that the job market is opening up. But in doing so, employers may not be paying sufficient attention to the compliance implications of wage payment laws that may affect these arrangements.

There are potential pitfalls under both federal wage and hour law and the requirements and limitations of local and state laws that demand close attention, which means it may be time to advise your clients on how to properly manage employee working hours.

Most wage-payment laws were not designed to be flexible or adaptable, or to facilitate the practical concerns of modern-day employers. Nevertheless, these requirements remain in force, and an employer is well-advised to ensure that alternative-scheduling plans comply with what, at times, may seem antiquated or nonsensical legal requirements.

When implementing a flexible work schedule, it's a good idea to pilot the program, analyze the pros and cons after a few laps around the track, obtain employee feedback and make any necessary adjustments before setting the ongoing plan in place. At the outset of the pilot program, remind employees that if the plan proves unsuccessful, the company will return to prior work-scheduling arrangements.

To avoid costly litigation, take time to understand your obligations under the FLSA and other applicable wage payment laws, and make compliance a priority. Good-faith efforts go a long way toward improving the odds of a smooth trip when traveling down the path of wage and hour compliance.

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