

## DOL WAGE & HOUR WIDGET OFFERS PROS AND CONS

News

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Atlanta attorney Lawrence McGoldrick shared his comments in the May 17 *Employee Benefit News* article "DOL Wage & Hour Widget Offers Pros and Cons." The Department of Labor has launched a new smartphone application that allows employees to track their own hours. Lawrence said that use of the new application opens up the possibility of mistakes and mischief. "Keeping track of hours is a hard thing even for employers." He cited travel time, breaks that do and do not count as worked hours and other time that could be excluded. "All those rules are a nightmare for employers, [and] for employees who aren't sophisticated; it will be an interesting challenge." He added that if a wage dispute came to a trial, it would be an issue of fact. In a normal case, the burden of proof falls on the litigant, typically the employee. Yet, if the employer fails to keep accurate records, which they are required by law to do, that failure could shift the burden of proof onto the employer who would then have to disprove what the employee is saying, potentially using information from their smartphone applications.