

WE REALLY CAN HELP

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The New York Times ran an editorial on Tuesday about a new program being launched by the Wage Hour Division of the Department of Labor. <http://www.nytimes.com/2010/04/07/opinion/07wed3.html> The We Can Help Program is designed to get workers “particularly those in construction, janitorial fields, hotels, food services and home health care,” to report “abuses.” The Department of Labor has gone all out including adding a new website dedicated to this program, <http://www.dol.gov/wecanhelp/>, a toll free number for workers to report abuses and public service messages in both English and Spanish from actors like Esai Morales and Jimmy Smits. So how come now? Well, all of this comes on the heels of a number of reports and studies that suggest that low-wage workers, particularly those in metropolitan areas, are frequent victims of what is now being called “wage theft.” Wage theft, as the term is now being used, means that an employee is being paid under the minimum wage, not being paid overtime or is being required to work off the clock. The Department of Labor is pulling out all of the stops. According to the Times, they have even added 250 new investigators.

So, if you are a business owner or a manager or an HR pro, who is going to help you? Well we are of course. Why do you think I am writing this thing? But how can we help, you ask? Well, let’s see? So, what if you have a manager who is trying to save some money in his budget and decides the way to do that is to give comp time instead of paying overtime? Is he “stealing” from your employees? Or what if you have a policy that requires all overtime to be “preapproved,” so your manager does not pay employees for overtime that wasn’t pre-approved? Is he “stealing” from your employees? Of course he isn’t, he just made a mistake. But correcting mistakes does not sound nearly as sexy as preventing “theft” now does it? So we will leave the whole “theft” thing to the DOL. Here is the bottom line, when your manager does this stuff, no matter how well intentioned you, or more accurately, your company, is violating the law.. And your company will have to pay the price for that violation.

This is where we come in. Some of what the DOL is calling “theft” is just that, a company intentionally exploiting its workers. But a lot of these so-called “thefts” are really just good-intentioned managers or supervisors who don’t understand the law. Mistakes, just well-intentioned mistakes. Too bad the mistakes are going to get lumped in with the “thefts.”

What can you do to avoid these problems? How about let us audit your practices? We can look at how the practices are used and implemented before some well-intentioned manager gets you in trouble. We can help you train your managers and supervisors on the law and how to apply it. We can make sure your employees are classified correctly. We can help you avoid the DOL’s so-called “help.”

See, we really can help.