

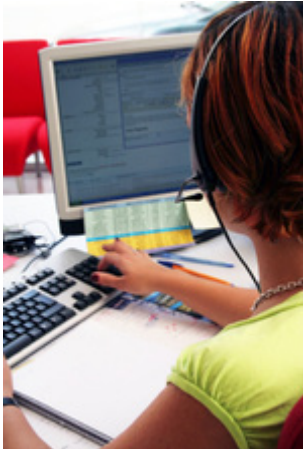
Wage & Hour Insights

Guidance & Solutions for Employers



Starting Computers and Reading E-Mail May Be Compensable Work

By Bill Pokorny on October 31, 2011



Last week, the U.S. Department of Labor [announced](#) a settlement with Hilton Reservations Worldwide, LLC, in which the company agreed to pay \$715,507 in minimum wages and overtime pay to 2,645 current and former customer service employees in Texas, Florida, Illinois and Pennsylvania. The DOL determined after an audit that the company failed to pay workers for pre-shift activities such as booting up their computers, launching necessary programs, and reading work-related e-mails.

This settlement reflects what appears to be an ongoing focus by the DOL on call center operations, aimed specifically at the issue of pre- and post-shift activities by call center employees. However, the issue of pre- and post-shift activities is by no means limited to call centers. While activities such as booting up a computer may represent only a few minutes of an employee's day, over time they can add up to a significant amount of additional work time. Particularly if an employee has an older machine and is required to start multiple, slow-launching applications before starting work, these minutes can add up.

Note that the situation at issue in the DOL's recent settlement may be different than the common scenario in which an employee routinely comes into the office, turns on the computer, grabs some coffee, hits the restroom and then clocks in and begins working. If the only "work" the employee performs before clocking in is hitting the power button on the computer, the time involved may be so minimal that the regulations would not require it to be tracked. However, even here, the best practice may be to require employees to complete their personal business (bathroom, coffee, etc.), and then clock in and start their computers.

Insights for Employers

How can employers avoid overtime and minimum wage liability for office employees' pre and post-shift activities?

- If there are tasks that employees must perform before they can log onto or after they log out of the system used to track their work hours, identify and list those tasks, and determine how long they should typically take. If the time at issue is more than de minimus, set your timekeeping system to add that amount of time to each employee's total work time for the day, and also provide a mechanism for employees to report any necessary adjustments if pre- or post-shift activities take longer than the allotted time.
- Alternatively, provide a separate timekeeping system that employees can use to "clock in" before beginning any pre-shift activities.

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- To minimize extra paid time, work with your IT staff to streamline computer login and startup procedures. If employees are just sitting around waiting for their computers, see if there are other useful tasks they could perform so that paid time is not wasted.
- Whatever your procedure, ensure that employees understand that they are not to perform any work activities that are not accounted for in your timekeeping system, and that supervisors monitor and take appropriate action with respect to employees who fail to comply with this policy.

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