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Department of Labor's new smart phone app

On May 9, 2011 the Department of Labor announced the release of a free smart phone app available in English and Spanish that will enable employees to track the hours they work and determine the wages they are owed. According to the Department of Labor, "users conveniently can track regular work hours, break time and any overtime hours for one or more employers." The Department of Labor states, "[t]his new technology is significant because, instead of relying on their employers' records, workers now can keep their own records."

The Fair Labor Standards Act establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek (any fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods) at a rate not less than one and one-half times the regular rate of pay.

All employers should have systems in place to accurately track employee hours worked. Otherwise, employees equipped with this and similar apps might be in a better position to prove higher hours worked in wage and hour cases.

Click below to access the Department of Labor's May 9, 2011 smart phone app announcement.

http://www.dol.gov/whd/Highlights/archived.htm#May9_2011

NLRB says nonprofit fired employees for FACEBOOK postings

A nonprofit company has been named in a National Labor Relations Board complaint for unlawfully firing five of its employees allegedly for using Facebook postings to criticize their working conditions.

PAGE 2



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According to the complaint, before a meeting with management about working conditions, an employee posted on Facebook that a co-worker had complained about the organization's failure to do enough to help its clients. According to the NLRB, this post generated responses from other employees who claimed their job performance was adequate but criticized working conditions, including workload and staffing levels.

The complaint claims this kind of exchange is protected under federal labor laws because it was about working conditions. The company fired the five employees who were involved in the Facebook postings, claiming that the comments amounted to harassment of the employee originally mentioned in the posting. This case is just one more example of how the NLRB is inserting itself into the phenomena that is "social media."

If you have any questions concerning the Fair Labor Standards Act or the impact of social media on your business, please contact a member of our Labor and Employment Law practice group at (419) 244-6788.

SAVE THE DATE!

Our annual Labor and Employment law seminar is scheduled for the afternoon of September 22, 2011. Additional information, and an agenda, will be provided in the first week of August.

THE EMPLOYER is not intended to provide legal advice, but is intended as a service to the clients of Bugbee & Conkle, LLP and to alert them to recent developments affecting the employment relationship, with a particular emphasis on the perspective of the employer.

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