

Smartphone app lets workers track wages

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In this Dec. 15, 2010 file photo, Secretary of Labor Hilda Solis speaks during a news conference at the Department of Labor in Washington. Workers who don't trust the boss to keep track of their wages can now do it themselves with a new smartphone application from the Department of Labor. But employers worry that the time sheet app, along with other new initiatives, could encourage even more wage and hour lawsuits. "This app will help empower workers to understand and stand up for their rights when employers have denied their hard-earned pay," Labor Secretary Hilda Solis said. (AP Photo/Susan Walsh, File)

(AP) -- Workers who don't trust the boss to keep track of their wages can now do it themselves with a new smartphone application from the Department of Labor. But employers worry that the time sheet app, along with other new initiatives, could encourage even more wage and hour lawsuits.

The app, called DOL-Timesheet, lets [workers](#) calculate regular work hours, break time and overtime pay to create their own wage records. Department officials say the information could prove valuable in a dispute over pay or during a government investigation when an employer has failed to keep accurate records.

"This app will help empower workers to understand and stand up for their rights when employers have denied their hard-earned pay," Labor Secretary Hilda Solis said.

The app is the latest example of the Obama administration's push for more aggressive enforcement of wage and hour laws. The agency has hired about 300 more investigators to probe complaints of unpaid [work time](#), lack of overtime pay and minimum wage violations.

Last year, the agency began a "Bridge to Justice" program that, for the first time, helps connect aggrieved workers with private lawyers if the department's Wage and Hour Division is too busy to handle a complaint.

As a result, [legal experts](#) say, wage and hour compliance has become a leading concern for employers as the new policies help drive up litigation over unpaid [wages](#), also known as wage theft.

"The government is focusing on it like never before," said Gerald Maatman, an employer-side labor lawyer based in Chicago. "I think the mantra is kind of, `All enforcement, all the time, 24/7.'"

Workers brought a record number of wage and hour suits against employers last year, according to an analysis of court filings by Maatman's firm, Seyfarth Shaw. Nearly 6,800 such suits were filed in 2010, about 700 more than the previous year. Most were collective or class actions.

"The concern is that the Department of Labor is putting a lot more attention into this area and employers, at the same time, are putting more hours, more money and more work into auditing and complying with wage and hour laws," Maatman said. "It's turning into somewhat of a full-time job."

The stepped up enforcement is a change from the Bush administration, when some critics accused President George W. Bush's labor secretary, Elaine Chao, of favoring businesses and weakening job safety and enforcement efforts.

While employers are not surprised about increased enforcement, they have questioned some tactics, such as a program that gives workers a toll-free number to contact an attorney referral service run by the American Bar Association.

The Wage and Hour Division gets more than 35,000 calls a year for help and doesn't have the resources to deal with every claim. For those it can't help, it now refers them to the toll-free hot line, where they can be referred to a lawyer who specializes in wage and hour disputes.

Michael Kun, a management-side employment lawyer in Los Angeles, calls the program "a gift to plaintiff's lawyers."

"A DOL investigator has no incentive to pursue a meritless claim," Kun said. "A plaintiff's lawyer has some incentive to do that to get some sort of nuisance value."

Patricia Smith, the Labor Department's top lawyer, says the criticism has taken her by surprise. Before the Bridge to Justice program, the department simply told workers they had a private right of action.

"This just gives them a little more information if they want to exercise it,

to go to an attorney that's qualified, as opposed to calling the guy who has advertisements on television at midnight," Smith said.

Nancy Leppink, who heads the Wage and Hour Division, says the office is just doing the job it's supposed to do, which is going after employers who cheat workers out of their hard-earned wages.

"To the extent we have employers who are not complying with the law, we have an obligation to look for all of the opportunities we can to change that behavior," Leppink said.

That includes the department's "We can help" advertising campaign last year, designed to educate employees in the food service, hospitality, apparel, manufacturing and construction industries about their legal rights under federal wage and hour laws.

Wage theft is especially prevalent among immigrant workers who don't speak English or hesitate to challenge their boss for fear of jeopardizing immigration status, labor officials say.

Earlier this year, for example, the department recovered \$1.8 million in back wages for nearly 400 workers at the Houston-based Hong Kong Market grocery chain. Investigators found some employees worked as many as 70 hours a week, but were paid less than the minimum wage and denied overtime pay. Labor officials said the company deliberately misled investigators by falsifying payroll records.

The new smart phone app is expected to help low wage immigrant workers, many of whom can't afford a computer, but keep cell phones as a lifeline to family back home.

The app is currently available for the iPhone and iPod Touch, but the agency is exploring versions for use on other devices, including

Blackberry and Android smartphones.

More information:

Labor Department's Hour and Wage Division: <http://www.dol.gov/whd/>

Seyfarth Shaw law firm: <http://www.wagehourlitigation.com/>

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