



Wage and Hour Tip Of The Week

Implement A Wage & Hour Complaint Hotline

The attorneys in Seyfarth Shaw's Wage & Hour Litigation Practice Group provide the following tip to help ensure your good faith compliance with state and federal wage and hour laws:

Employers should consider implementing a complaint hotline that will allow employees to anonymously report perceived wage and hour violations, including underpayments. Understandably, an employer may be unaware at times that its wage and hour policies and procedures are not being followed or are being violated by employees. An employee may forget to clock in or might work after her shift, after clocking out. A bad acting supervisor might even direct a subordinate to work off the clock. A complaint hotline will provide an avenue for an employer to learn of the issue before it causes bigger problem (*like litigation*). The hotline can reduce an employer's potential liability by allowing the employer to correct the issue, after validating it, of course. When an employee complains about an underpayment, for example, the employer can correct it and avoid liability altogether. In addition, a diligent and effective response to similar complaints will serve as evidence that the employer took "good faith" measures to comply with the FLSA's requirements, evidence that can be used to avoid liquidated damages and a third year of liability under the law. As important as the complaint hotline itself, however, employers should train their management and human resources representatives about how to respond to complaints received through the hotline. Investigations regarding perceived wage and hour violations should be treated with the same emphasis as discrimination, harassment, and whistleblowing complaints. It's not hard to believe that a court may find that the failure to respond to a complaint is compelling evidence that an employer did not take good faith measures to comply with the law. A hotline will only be effective if it is effectively managed by those who are trained to diligently investigate, validate, and correct an employee's complaint.

Disclaimer: The above are "best practice" suggestions and are in no way meant either to guarantee that use of them creates a litigation risk-free environment or, alternatively, to suggest that any specific practice or policy maintained by an employer violates the law or is indefensible in litigation.

By: [Brett C. Bartlett](#) and [Ashley Workman](#)

[Brett C. Bartlett](#) is located in Seyfarth Shaw's Atlanta office and [Ashley Workman](#) is located in the firm's Chicago office. If you would like further information please contact the Seyfarth attorney with whom you work, Brett at bbartlett@seyfarth.com or Ashley at aworkman@seyfarth.com.

www.seyfarth.com

Attorney Advertising. This is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)