

# Wage & Hour Insights

Guidance & Solutions for Employers



## DOL's iPhone App Needs An Update

By [Bill Pokorny](#) on May 26, 2011

On May 9, 2011, the U.S. Department of Labor proudly [announced](#) its [new time-tracking app](#) for the iPhone, which Secretary of Labor Hilda Solis touted as an "invaluable" tool for the Wage & Hour Division in cases where employers failed to keep accurate records. The announcement certainly got the attention of blogging labor and employment law bloggers - see below for a few of the many posts on this.

Ironically, the app that's designed to allow hourly employees to keep track of their hours and pay doesn't accurately calculate either in accordance with the Department of Labor's regulations.

As most employers hopefully know, while the DOL allows *bona fide* meal periods to be treated as unpaid time if an employee is completely relieved of all job responsibilities, breaks of less than 30 minutes are usually regarded as paid time. However, the DOL's new app treats *all* breaks as unpaid time - thus significantly undercounting hours worked and pay due. Here's a screenshot of a report generated by the app, based upon an employee with one 30 minute meal break and two additional 15-minute breaks per day. While the report counts the 2.5 hours of time under "other breaks" as unpaid, those hours should actually be paid:

A	B	C	D	E	F	G	H	I
Employer	Started Work	Stopped Work	Hourly Rate	Meal Breaks	Other Breaks	Sub-Total	Total Work Hours	Gross Pay
Acme	5/16/2011 8:02	5/16/2011 16:36	\$8.25	00h 30m	00h 30m	08h 34m	07h 34m	\$62.43
Acme	5/17/2011 7:46	5/17/2011 16:49	\$8.25	00h 30m	00h 30m	09h 03m	08h 03m	\$66.41
Acme	5/18/2011 8:02	5/18/2011 16:37	\$8.25	00h 30m	00h 30m	08h 35m	07h 35m	\$62.56
Acme	5/19/2011 8:05	5/19/2011 16:25	\$8.25	00h 30m	00h 30m	08h 20m	07h 20m	\$60.50
Acme	5/20/2011 7:57	5/20/2011 16:31	\$8.25	00h 30m	00h 30m	08h 34m	07h 34m	\$62.43

The DOL states in a disclaimer that "DOL make [sic] no express or implied guarantees as to the accuracy of this information." Good thing, apparently.

[Commentators](#) and conservative groups have taken notice, and [at least one group](#) has submitted a FOIA request seeking information on how much money the DOL spent to develop its flawed app.

Fortunately for the DOL, the App Store makes rolling out updates relatively easy.

Commentary on the DOL's announcement:

[Now an iPhone App for Wage and Hour Litigation](#) (Jottings by an Employer's Lawyer)

[There's An App For That! The Bright Side of the U.S. Department of Labor's Launch of iPhone App to Track Wages](#) (Colorado Employer's Law Blog)

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[FLSA Compliance: There's an app for that](#) (Delaware Employment Law Blog)

[DOL launches iPhone App to help employees track hours worked](#) (Developments in Employment Law)

[iPhone wage-and-hours app](#) (LawMemo Employment Law Blog)

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