

Partner Barbara Hoey and Associate James Saylor Quoted by the Pennsylvania Record on Implications of the \$188 Million Wal-Mart Decision

May 5, 2016

Partner [Barbara E. Hoey](#), partner and chair of the Labor and Employment practice group, and associate [James B. Saylor](#) were quoted extensively in the *Pennsylvania Record* article "Employers should maintain strong policies following \$188M Wal-Mart decision." The article focuses on the effects of the U.S. Supreme Court's decision not to review an appeal in a \$187.6 million Wal-Mart wage and hour class action case. The class member employees in the case alleged they'd been forced to work through meal and rest breaks that are mandated by Pennsylvania law and Wal-Mart's own policy. Ms. Hoey and Mr. Saylor said employers should see the Wal-Mart case as an abject lesson of the ever-changing climate of wage-and-hour law.

Ms. Hoey and Mr. Saylor suggested that employers should track every bit of an employee's time during the workday. "Look for those hidden pockets of the workday which for some reason may not be captured, such as meal and rest breaks, work time at the start or end of the workday, time spent opening or closing, time spent cleaning up after clocking out...The list can go on and on. If that time is not paid, you need to make sure it is not compensable time...Even if you do not think the time is compensable, you may want to informally keep track of it - in case you are sued later."

They also recommend keeping employees informed of timekeeping policies and making them sign off on their time. "Make them sign off, on paper or electronically, at the start and end of the work shift and affirmatively indicate that they have been paid properly and that all of their hours are accurate... Post notices...and remind employees two, three and four different ways that it is their job to tell their manager when they work extra time or miss a break. Make it easy for employees to report extra hours," the two said.

To read the full article, please click [here](#).