

Managing the Risks of Employee Cellphone Use

Cellphones have become a ubiquitous yet useful part of modern life. However, for employers, cellphone use by employees poses significant risks. By effectively identifying and managing these issues, employers can drastically reduce the likelihood of costly claims or damaging losses.

Wage and Hour Issues

Do you know if and when your employees answer phone calls, check emails or do work outside the workplace? Are your employees paid for this time?

For many employers, the answer to one or both of these questions is no. Depending on the employee, this can be a big (and expensive) problem known as "off-the-clock-work."

The fact that cellphones and other remote access technology gives many employees the ability to perform work from anywhere can be great for business efficiency and production but can also mean that employers don't always know, or have record of, when and how much an employee is working.

Under the federal Fair Labor Standards Act (FLSA), non-exempt employees must be paid at least the applicable minimum wage for all hours that they work. This includes time that an employee spends managing emails, answering calls or doing other work outside the workplace.

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