



Carlton Hilson Authors Article for Total Retail Detailing Wage and Hour Risks

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Total Retail

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Burr & Forman partner Carlton Hilson authored an article published by Total Retail on Dec. 20, 2023, discussing wage and hour claims when employees are not compensated for time spent communicating about work during their off-hour periods.

In the article, Hilson provided insight into scenarios that create wage and hour risk for retailers, such as unpaid meal breaks where a clocked-out employee communicates with a manager by call or text.

Additionally, Hilson shared key considerations for employers to bear in mind as the proliferation of mobile communication options has created more opportunities to engage with off-the-clock employees, including:

- Employers must be aware that cellphones increase efficiency but also present significant risks of wage-hour claims.
- Calls and text messages can easily lead to after-hours, off-the-clock work.
- Retailers should consider updating employee handbook policies to include rules prohibiting off-duty email or text communications and providing avenues for employees to report any off-duty work.
- Management should be educated and trained on what constitutes off-the-clock work and that even something seemingly as minor as a text message conversation or single phone call could lead to wage-hour litigation.

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- Managers should understand that encouraging employees to work off the clock is prohibited and will result in disciplinary action.
- Hourly employees should be made aware that off-the-clock work is prohibited and should be encouraged to report any off-the-clock work so they may be properly compensated for the time.

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