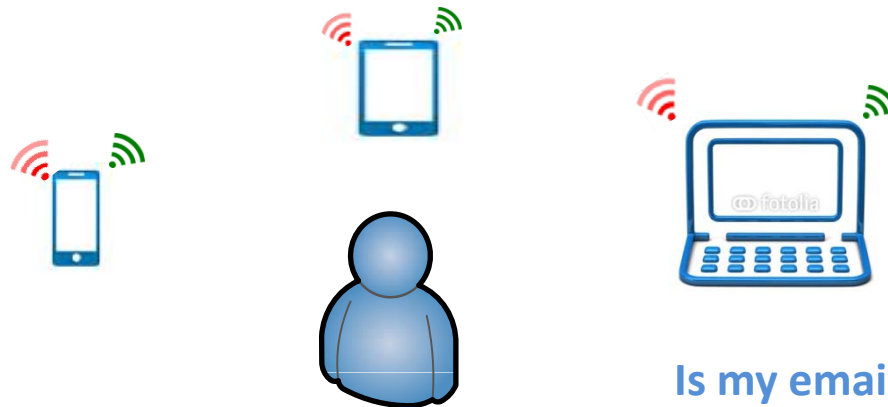# Creating a Mobile Workforce: Culture Change, FLSA and Other Challenges

LOS ANGELES
DIGITAL GOVERNMENT SUMMIT

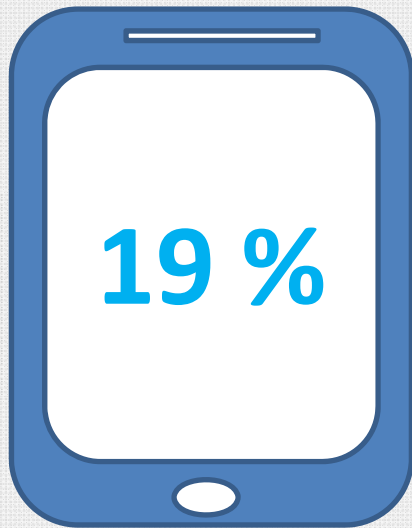# Active Digital Democracy (ADD)

Personal Data

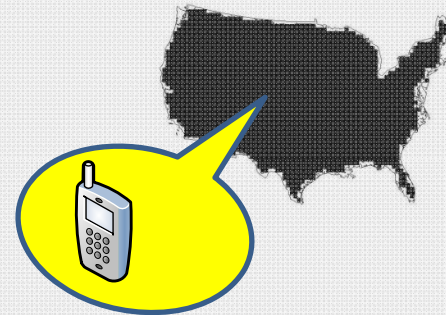**Work Data**

Is my email synching?

National Device Landscape

Percentage of American Adults That Own a Tablet

19 %

Number of smartphones in U.S

91.4 Million

Workforce Behavior

Technology Usage Factoids

- **72%** of Americans check their email on weekends and vacations and **42%** check email while home sick Source: Harris Interactive research

- Average mobile worker works **240 hours** per year longer than the traditional work force

- **43%** of mobile workers keep smart phone at arm's reach when they sleep

- **96%** of mobile workers under 45 have smart phones

- **35%** of mobile workers check email first thing upon awakening

- More than half of employed Americans will perform some work while on vacation (SHRM, 2010)

Work and Life Equity

Balancing and blending work and life

Customer Service Orientation

- Timely response to email inquiries

- Addresses email seeking immediate resolution versus waiting until the next day

- Quest to exceed customer expectations

- Productive, efficient, and effective

Government

?

Fair Labor Standards Act
(FLSA)

"The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. "

- http://www.dol.gov/whd/flsa/
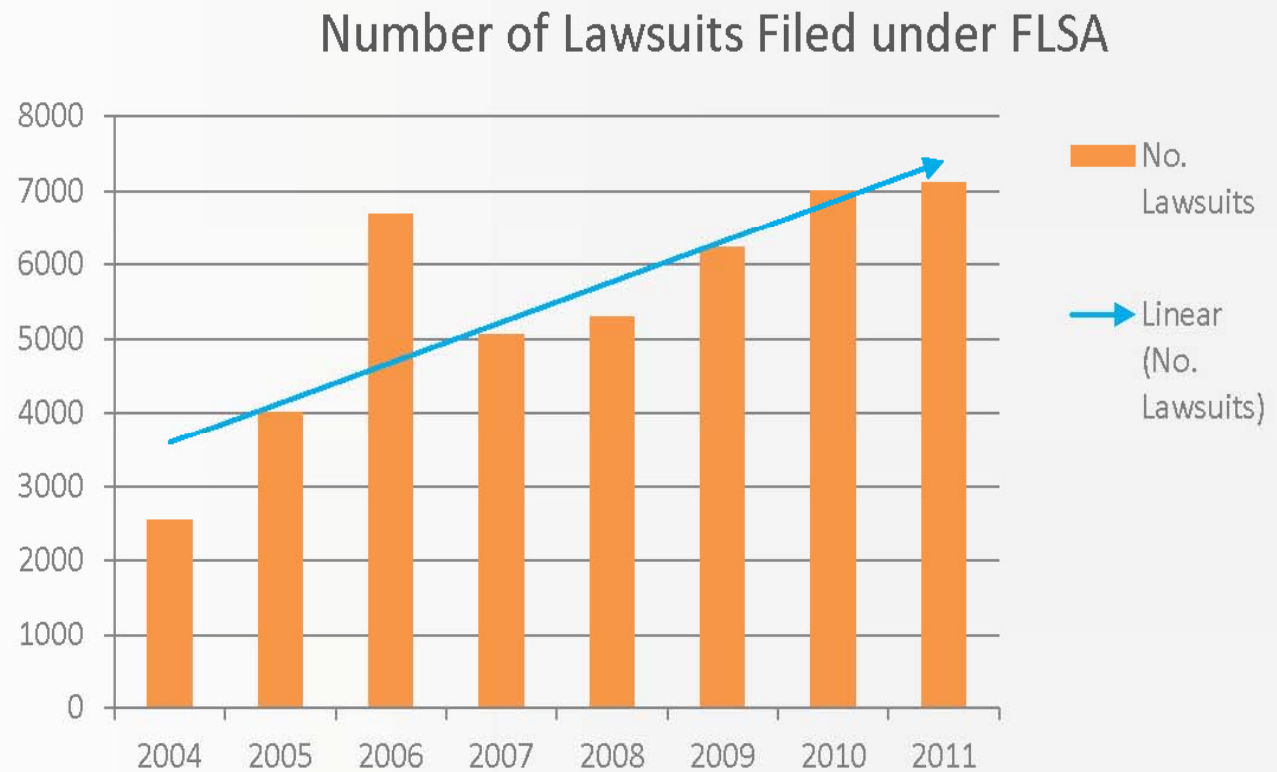
Risk and Vulnerability

- Non-exempt employees with remote access should be compensated for time spent

- When a manager sends email(s) after hours to their employee(s) – what is the expectation on when the email will be read?

- Exempt employees are not paid by the hour so less risk

FLSA Claims

↑179%

Increase in lawsuits filed since 2004

Source: Justia.com

Number of Lawsuits Filed under FLSA

Legend:
- No. Lawsuits
- Linear (No. Lawsuits)

Y-axis: 0, 1000, 2000, 3000, 4000, 5000, 6000, 7000, 8000

X-axis: 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011

FLSA Provisions

- "Any employer that fails to correct the hours of a non-exempt employee who it knows is working over 40 hours@week risks losing a claim filed under the FLSA for unpaid OT"

- "Conducting regular & routine work after hours might give rise to employer exposure to OT claims"

Evidence!

- Number of emails sent/received

- Time of email

- Length of email

- Frequencies of email

- Time logged into remote website / portals

Suggestive Tips

- Restrict business use of mobile devices where possible

- Establish administrative policies to address acceptable risk

- Require prior approval of overtime

- Require employees to log time appropriately

- Avoid encouraging employees to work OT by sending emails after hours
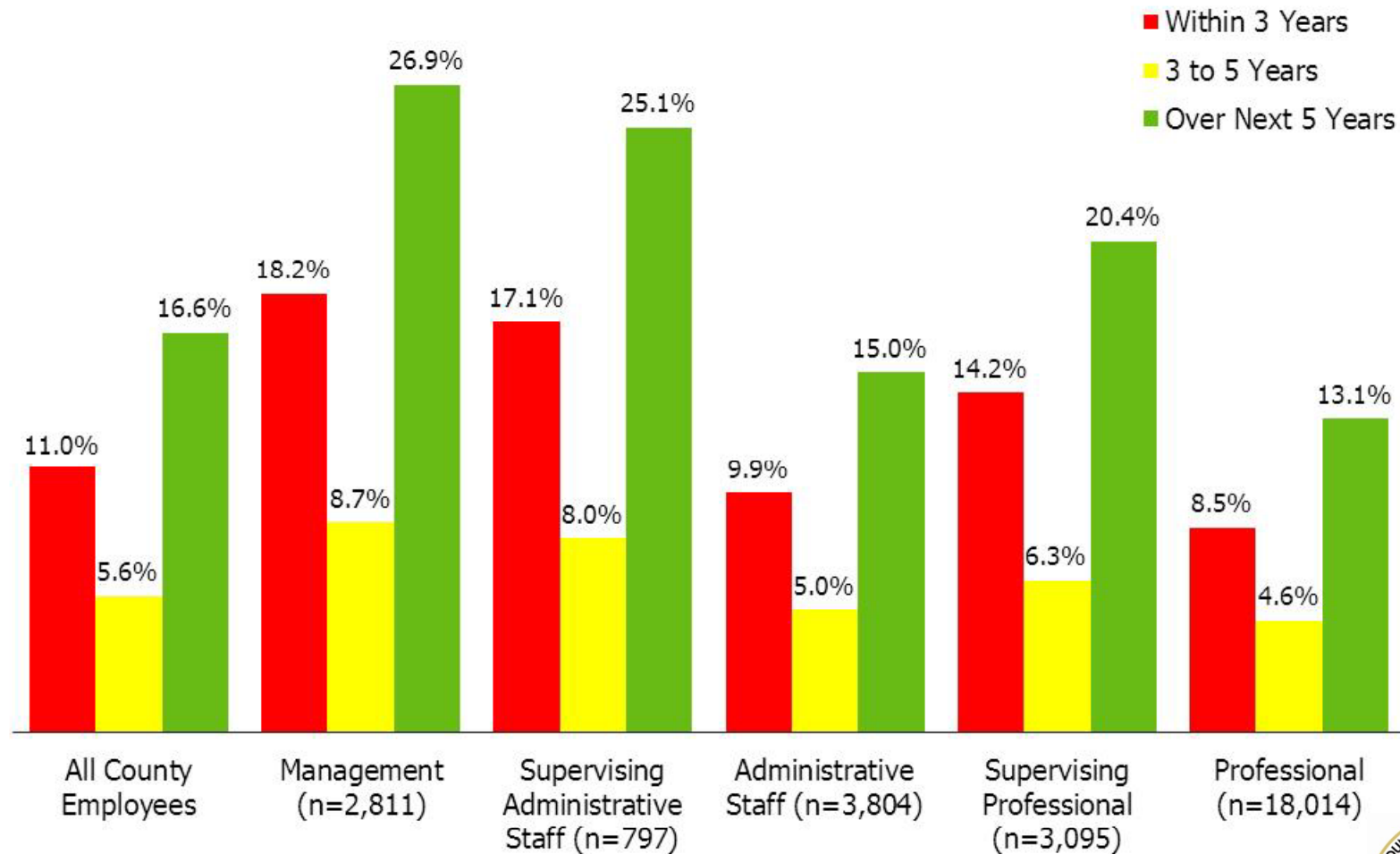
2012 County View
Employees by Generation
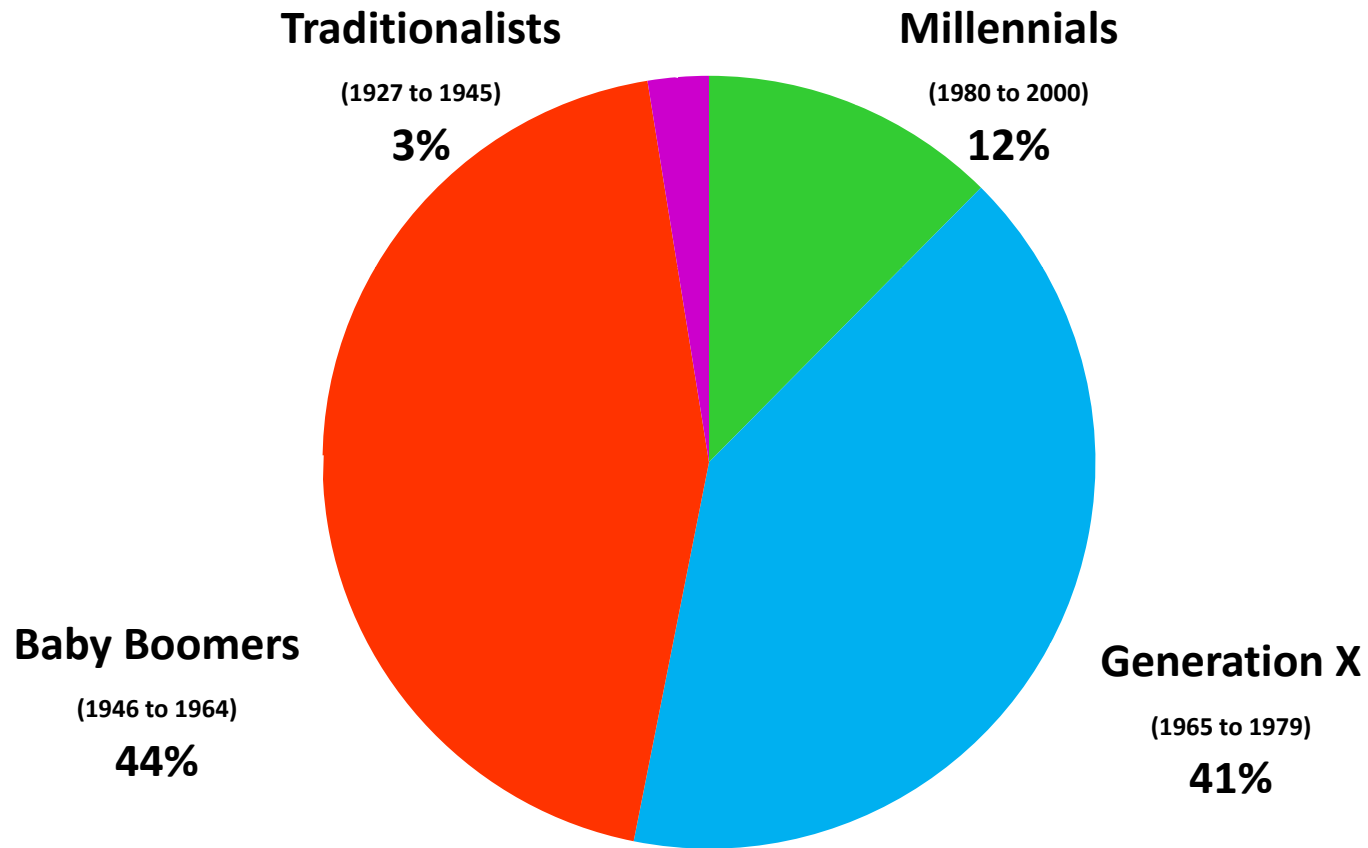
Current Age of County Employees

Average Age of Employees – 46.41
Average Age at Retirement – 62.45
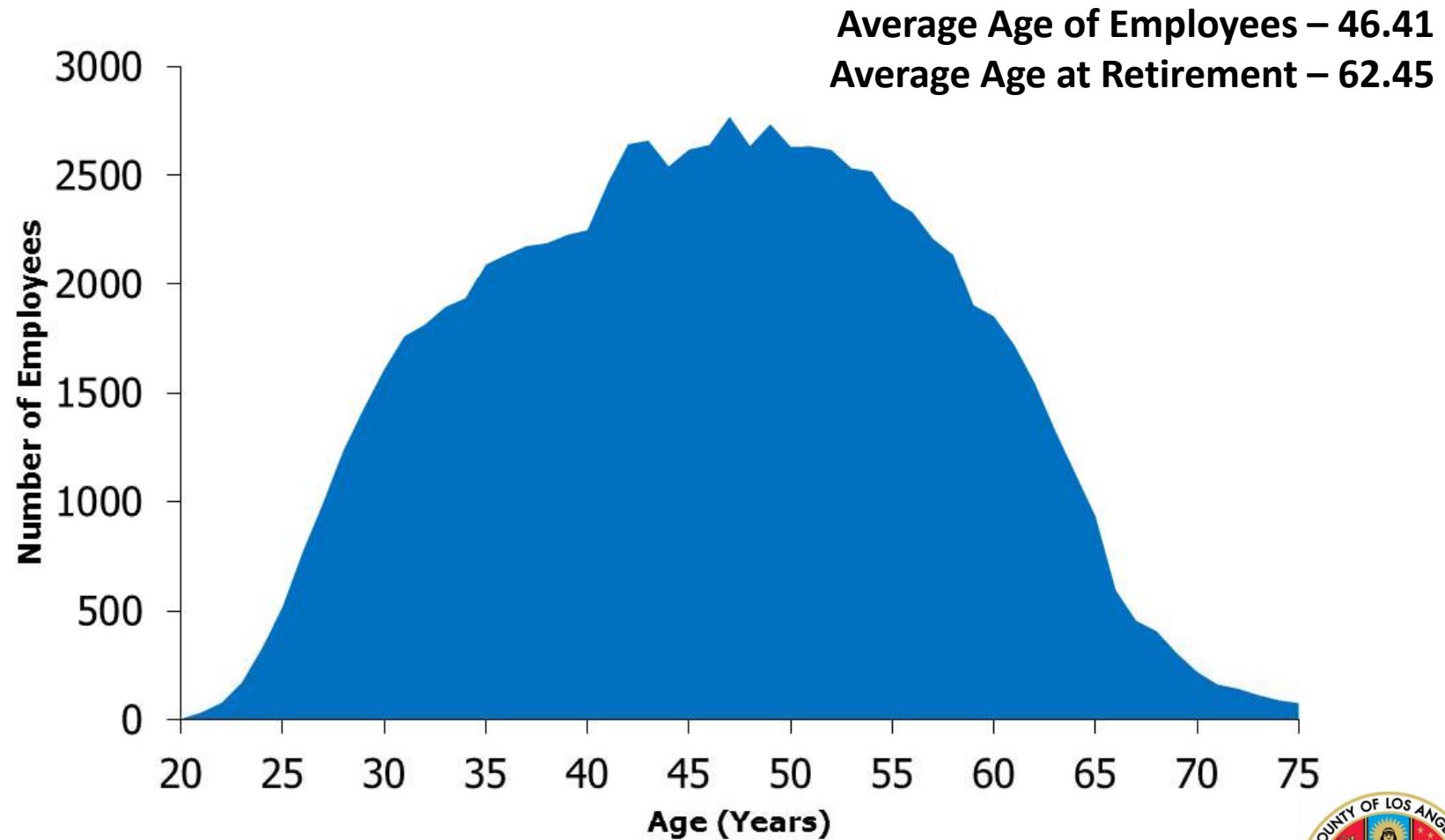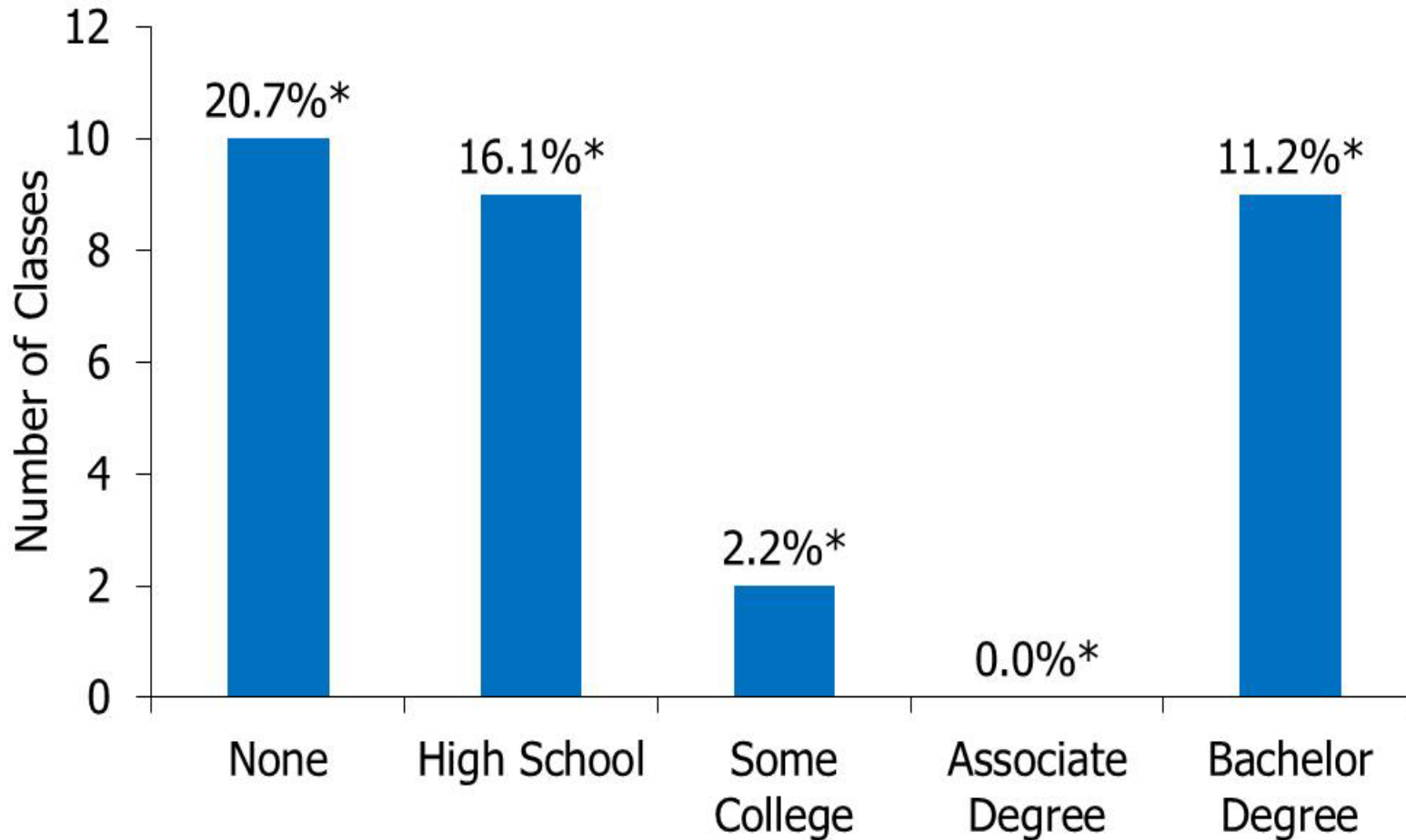
Countywide Retirement Projections
(Based on 5-Year Baseline Retirement Averages)

Minimum Education Required by the 30 Largest Classifications

(Representing 50.2% of the County workforce)

Business Culture Changes

- Greater use of technology

- Larger difference in technology usage

- Greater demand for work flexibility

- More collaborative work structures

- Increased complexity in job demands

- Jobs becoming more skilled/require higher education