

No official time records? Court will believe employees



Employers that don't keep track of hours worked may be in for a surprise if an employee quits and sues over alleged unpaid time. Without your records, the court will likely take whatever documents workers have and calculate how many hours were unpaid, plus overtime. Then the court will double the amount as punishment for not keeping required records.

Recent case: Erwine and Felipe worked for a company that owned apartment complexes in Queens, holding various titles over the years. However, their employer never tracked their hours or paid overtime when they performed maintenance and other tasks.

When they lost their jobs, they sued, alleging unpaid overtime and wages under the Fair Labor Standards Act.

Because the company had no time records, the court said the workers' estimates could be used to calculate how much they were owed. (*Calderon, et al., v. Mullarkey Realty*, ED NY, 2018)