

Your Questions Answered

Below are answers to several questions that are frequently asked of us. By clicking the link at the bottom, we invite you to submit your questions for response in an upcoming issue

- Q. I had an employee come to see me the other day (I am the HR Manager), and he asked me to keep our conversation completely confidential. I said that I would because I wanted him to feel comfortable and trust me. Later I wondered if I should have done that. What is your advice?
- A. I would not have done that. Not only are you not obligated to, but you may actually be required to bring information forward in certain circumstances. If, at any point, an employee brings issues to your attention that relate to any type of illegal conduct, harassment of any kind, or any other type of discriminatory behavior, you need to take them seriously. This may require informing your supervisor, or even conducting an investigation. Individuals and the Company can both be held liable if they knew of these actions and did not respond appropriately. Having said this, I would be sure to inform the employee that you will keep the information confidential, to the extent possible, and that only those with a need to know will become involved.
- Q. I have heard that I am required to provide my nonexempt employees with a 15 minute unpaid rest break after working 4 consecutive hours. Is this true?
- A. No. Federal wage and hour law does not mandate that employees be given either paid or unpaid rest periods. Whether breaks are required is up to individual states. Massachusetts does not require rest periods, but does require an unpaid 30-minute meal break once a nonexempt employee has worked a minimum of 6 consecutive hours. In addition, Massachusetts law requires a day of rest in each consecutive 7-day period.
- Q. Can I require employees to pay for their uniforms and the cost of cleaning them through payroll deduction?
- A. This is a tricky one...Federal law does allow employers to deduct from a person's pay the cost of "providing and maintaining" employee uniforms if uniforms are "required by law, by custom, or by the employer." The uniforms must be an actual uniform and not just a certain type of basic street clothing. Also, the deduction must not reduce the individual's wages below the minimum. However Massachusetts state law **prohibits** a deduction from payroll for "the cost of distinctive uniforms (those with company logo or name) and the cost of cleaning them".

For more information on any of the above questions or answers, please feel free to contact us. Also, submit your questions for answers in an upcoming issue by clicking the link: info@hr-alliancegroup.com