

THE EXTRA POINT

BY JERRY ROBERTS



814 Unpaid Overtime is a Decision Everyone Must Make

Unpaid overtime is on the rise, maybe here in Guam as well. Is it a good thing or a bad thing? I'm Jerry Roberts and Dave Dell'Isola, Director, Guam Department of Labor, kindly cover your ears for the next few minutes. We got stuff to talk about, next, on The Extra Point.

Unpaid overtime is definitely on the rise. Is that good or bad? Oh, you say it's a good deal for the employer and bad for the employee? Well, let's talk a little story and see if that's true.

ADP Research Institute released a study last week that said one in 10 workers is now putting in 20 hours of free work per week, which is double from what it was before the pandemic. The research indicated that workers, on average, are logging 9.2 hours of unpaid overtime weekly, up from 7.3 a year ago.

Workers are putting in these extra hours either to compensate for colleagues who lost or left their jobs due to the health emergency. North America saw the most significant increase in unpaid overtime, but the Asia-Pacific region still leads, with its workforce averaging almost 10 hours of unpaid labor each week. I don't know if the Guam DOL has any such figures, but we know there are workers here who do work "off the clock."

There are some people who scream at stories like this, believing it is the employer ripping off workers, and demanding that government step in and punish offenders.

First, the law is clear, anything more than 40 hours of work in any pay period, is subject to overtime provisions. If you work more than 40 hours, you are entitled to overtime pay. Here's where I'm probably going to get in trouble. In my opinion, I don't believe a worker should always ask for it. What follows is my story and you are free to disagree.

My first real job was to work in a fleet vehicle operation, for a fellow named Big Ed. It was a union shop. Working overtime and not clocking in and out appropriately would have put Ed in hot water. He was an incredible boss and the six guys on our team all entered into an unofficial pact that we would do everything necessary to make him look good. That included clocking out, then continuing to work. Even the union shop steward was included.

In my career, I've worked as an hourly employee, manager, and business owner. To me, the time clock has never been the issue — work responsibilities and achieving a certain level of output is my focus.

The popular description of the standard employment arrangement is that the worker is selling hours to the employer, and the employer is buying those hours at an agreed upon rate. To me, that's off the mark.

I see a job description and employment agreement as being about fulfilling expectations. When those expectations are met in eight hours, employer and employee are both happy with the arrangement. However, what if there is still more to do at the end of those eight hours, because the team can't afford to hire enough workers to cover what's needed?

Do you demand overtime, or just walk away and leave the work go, even if coworkers and customers are inconvenienced by that? Or, do you pitch in, off the clock, because that's what the company needs?

In Guam's largest organizations, it all may go by the book. If you work overtime, you'll be paid for it, and likely told to avoid OT unless absolutely necessary. In smaller companies, things aren't so clear. You may not have a clock, and you fill in your time by hand.

(Con't.)

Your employer may have a verbal agreement in place that if you work OT, you'll get some kind of compensatory time off at a later date. So, you don't keep records of the overtime. You trust your boss will come through when you need it.

Is that okay with the labor folks? Not at all. However, it's the way overtime is handled in a lot of small businesses. You do the business a favor, and the boss covers you when you want one in return.

I've always seen a job as my working home. That company's success feeds my family, and if I have to do a little extra, it's in my own self-interest to pitch in. I also view giving extra as a chance to display my willingness to step up and show my value.

These are decisions each worker has to make. I don't tell people to ignore labor laws. I also don't condone employers exploiting workers. That's my two cents. How about yours?

That's The Extra Point. Be responsible and make something good happen today. For 93.3 and the Ray Gibson Show, I'm Jerry Roberts.

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