

Hungry for a lunch break at home

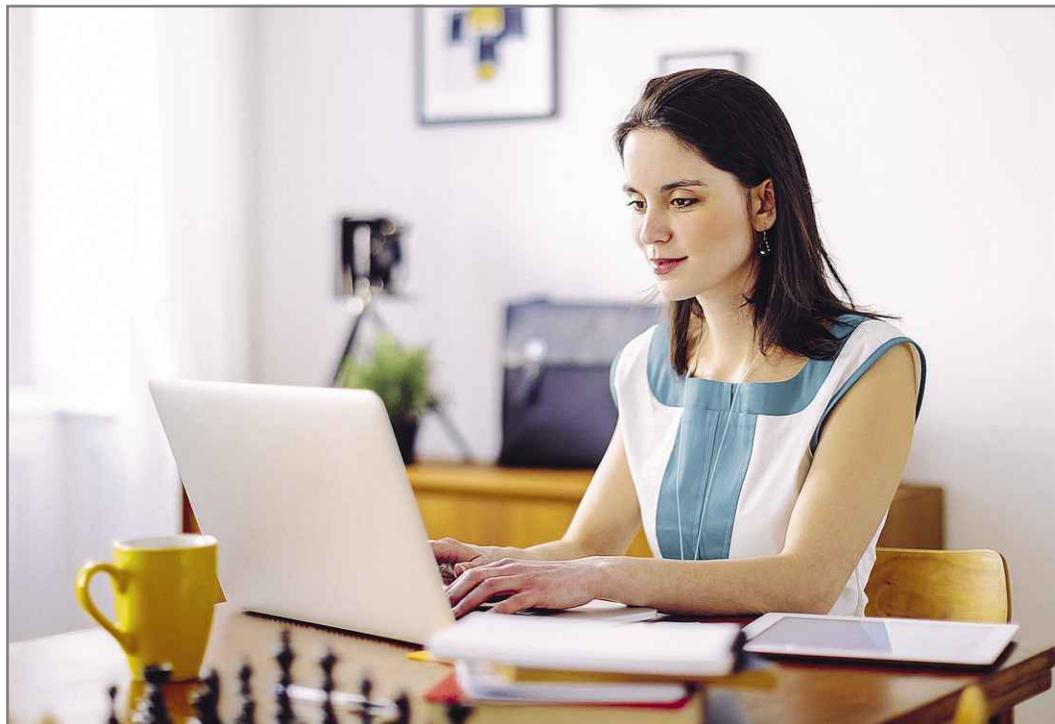


DEAR CARRIE: I am one of about 15 women who work for a medical transcription company that owns and runs imaging facilities around the country. Each of us has her own set hours such as 9 to 5 or 10 to 6. We are paid not by the hour but by the pages we type. And we must average at least seven pages per hour. We receive benefits, a 401(k), holiday and vacation days, and we get a W-2 at the end of the year. So we are bona fide employees.

My first question: Is it legal for us to work without a lunch period? For example, I work 9 to 5, and I have no break for lunch. And if I am entitled to a lunch break, should I be paid for that time?

My next question concerns overtime. At times we are asked to work nights and on weekends. It is completely our choice, but we receive no extra compensation for that time. We are still paid at the same rate per page, even when we work more than 50 hours a week. Shouldn't we be paid overtime when we work more than 40 hours?

Here's my final question: Shouldn't we be paid for being on stand-by duty? Occasionally our system is down, so we cannot work. Or, at times, we have no work to do. In both cases we have to remain punched in and waiting. But



An employee working at home for more than six hours is entitled to at least a half-hour meal break.

we receive no compensation for that time. Is that legal?
— Home Work

DEAR HOME: Let's look at the lunch question first. Employees who work more than six hours a day are entitled to at least a half-hour meal break, state law says. You certainly meet that criterion, and so you should receive a lunch break. The lunch break doesn't have to be paid because hourly workers have to be paid only for the time they work.

The state Department of

Labor's website notes that the meal regulation contained in Section 162 of New York labor law "applies to every person in any establishment or occupation covered by the labor law. Accordingly, all categories of workers are covered, including white-collar management staff."

As with in any rule, there are exceptions. For example, when just one person is on duty, "it is customary for the employee to eat on the job without being relieved," the department's website says.

But the employee has to

agree to the arrangement.

"The Department of Labor will accept these special situations as compliance with Section 162 where the employee voluntarily consents to the arrangements," the website says. "However, an uninterrupted meal period must be afforded to every employee who requests this from an employer."

So you need to talk to your employer about giving you a much-needed meal break.

As for your wages, even though you do piece work, as an

hourly worker you still have to be paid minimum wage and overtime. The minimum wage on Long Island is \$11 an hour. It will rise to \$12 on Dec. 31. And federal law says that when you work more than 40 hours a week, you have to be paid 1½ times your regular hourly wage.

Even though you are paid by the piece, your company has to compute that on an hourly basis to make sure it is following labor law. And your employer is required to keep a record of your hours worked and your pay rate.

Your last question concerns a concept in labor law known as "engaged to wait." You aren't actively working, but you aren't free to leave if you want to. So you have to be paid for that wait time, federal labor law states.

For more information call the state Labor Department at 516-794-8195 or 212-775-3880, or the U.S. Labor Department at 516-338-1890 or 212-264-8185.

Call Carrie Mason-Draffen with workplace questions at 631-843-2791, or email her at carrie.mason-draffen@newsday.com. Your name and number won't be published. Not all questions can be answered; some may be edited for length and clarity.

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Delivery by drones still a daunting challenge

The Associated Press

Jeff Bezos boldly predicted five years ago that drones would be carrying Amazon packages to people's doorsteps by now.

Amazon customers are still waiting. And it's unclear when, if ever, this order by the company founder and CEO will arrive.

Bezos made billions of dollars by transforming the retail sector. But overcoming the regulatory hurdles and safety issues posed by drones appears to be a challenge even for the world's wealthiest man. The result is a blown deadline on his claim to CBS' "60 Minutes" in

2013 that drones would be making deliveries within five years.

The day may not be far off when drones will carry medicine to people in rural or remote areas, but the marketing around instant delivery of consumer goods looks more and more like just hype. Drones have a short battery life, and there are privacy concerns, too.

"I don't think you will see delivery of burritos or diapers in the suburbs," says drone analyst Colin Snow.

Drone usage has grown fast in some industries, mostly outside the retail sector and direct interaction with consumers.

The government estimates 110,000 commercial drones are operating in U.S. airspace, and the number is expected to soar to about 450,000 in 2022. They are being used in rural areas for mining and agriculture, for inspecting power lines and pipelines, and for surveying.

Amazon says it is still pushing ahead with plans to use drones for quick deliveries, though the company is staying away from fixed timelines.

"We are committed to making our goal of delivering packages by drones in 30 minutes or less a reality," says Amazon spokeswoman Kristen Kish.

The Seattle-based online retail giant says it has drone development centers in the United States, Austria, France, Israel and the United Kingdom.

Delivery companies have been testing the use of drones to deliver emergency supplies and to cover ground quickly in less populated areas. By contrast, package deliveries would be concentrated in office parks and neighborhoods where there are bigger safety and privacy issues.

In May, the Trump administration approved a three-year program for private companies and local government agencies to test drones for deliveries, in-

spections and other tasks.

Frank Appel, CEO of DHL's parent company, Deutsche Post AG, said battery life remains a big obstacle. "If you have to recharge them every other hour, then you need so many drones and you have to orchestrate that. So good luck with that," he said. He said humans have another big advantage: They know where customers live and which doorbell to ring. "To program that in IT is not that easy and not cheap," he said.

Analysts say it will take years for the Federal Aviation Administration to write all the rules to allow wide drone deliveries.