



### **Question:**

If an employee hasn't submitted their timesheet before we run payroll, can we delay paying them until they do?

### **Answered by the HR Experts**

No, you shouldn't wait to pay the employee. Under the Fair Labor Standards Act, wages are due on the regular payday for the pay period covered, regardless of whether the employee met your deadline for submitting their timesheet. Ultimately, the responsibility to track and pay for all hours worked falls on you, not the employee. You should ask the employee how many hours they worked and pay them accordingly. If they're unavailable to answer that question, you should take your best guess—corrections can be made later if necessary.

While you can't delay payment, you can, and should, address the behavior through progressive discipline when warranted. (If the timesheet was late because the employee was hospitalized, discipline would not be the right approach.) Disciplinary measures can range from an oral warning to termination, and while most employees will probably just need a one-time reminder, some may force you to exercise the "progressive" in progressive discipline.

This Q&A does not constitute legal advice and does not address state or local law.