No Recordkeeping Violation for Failure to Report Hours Worked when Benefits are Based on Hours Paid

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The U.S. Third Circuit Court of Appeals upheld the district court?ÃÃs determination that when a plan document provides that benefits are based on ?ÃÂ£hours paid?ÃÂ¥ rather than ?ÃÂ£hours worked,?ÃÂ¥ an employer does not have an obligation to report unpaid hours (in violation of wage/hour laws) to plan administrators under ERISA?ÃÃs record maintenance requirements. Thus, the claim that there was an ERISA recordkeeping violation failed. *Henderson v. UPMC*, No. 10-1377 (3rd Cir. April 5, 2011).

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