

Hospital workers sue for lunch money

by William Kates / The Associated Press

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SYRACUSE, N.Y. (AP) -- Thousands of employees at three Upstate New York hospitals could be owed millions in overtime pay for working through their lunch breaks, according to federal class action lawsuits.

The hourly health care workers will soon get court-authorized notices in the mail and have until Sept. 15 to join the suits, said Patrick Solomon, a Rochester lawyer whose firm is handling the class actions.

The lawsuits filed in November in U.S. District Court in Syracuse contend that St. Joseph's Hospital Health Center and Crouse Hospital in Syracuse and Faxton-St. Luke's Healthcare in Utica have practices and policies that automatically deduct health care workers' lunch breaks from their pay, even when they work during those breaks taking care of patients.

Officials at the three hospitals said the lawsuits have no merit and that their facilities were in full compliance with state and federal labor laws.

The federal Fair Labor Standards Act requires workers to be paid if they must work through a lunch break.

"Nurses are dedicated and they don't just drop patients to take lunch," Solomon said Wednesday.

The three hospitals employ a total of about 3,200 nurses, but the class action covers any worker involved in direct patient care. Total employment is about 2,560 at Crouse, 3,140 at St. Joseph's and 2,600 at Faxton-St. Luke's.

So far, the plaintiffs include 118 current and former workers at St. Joseph's, 110 at Faxton-St. Luke's and 103 at Crouse.

Federal law allows workers to recover lost wages for up to three years. For an employee making between \$15 and \$25 an hour, those lost wages could range from \$7,000 to more than \$29,000 over that time, Solomon said.

Solomon's firm filed a similar state class action in February 2006 against the University of Rochester, which agreed to pay a \$9 million settlement. The settlement potentially covers up to 40,000 full and part-time hourly employees who worked at the university over the last seven years, according to the law firm. The university and its health affiliates currently employ 20,000 people.

Over the past year, Solomon's firm also filed class actions against five hospitals in Buffalo and Pittsburgh involving a total of 2,081 plaintiffs. Those suits are pending. They name Catholic Health System and Kaleida Health in Buffalo and Pittsburgh Mercy Health System, West Penn Allegheny Health System and University of Pittsburgh Medical Center.