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UR settles with employees

Up to 40,000 may receive compensation for unpaid work

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The University of Rochester and its affiliates have reached a \$9 million settlement with employees over claims that they weren't

appropriately paid for time worked.

Up to 40,000 hourly employees who worked at the area's largest employer over the past seven years might be eligible for a maximum of \$700 each, said Nelson Thomas of Dolin, Thomas & Solomon, the attorney representing the workers.

The initial lawsuit was filed Wednesday in state

Supreme Court in Monroe County. But attorneys for the workers and UR officials have spent the past year discussing it, Thomas said.

The settlement still has to be approved by the court, Thomas said, and he hoped the judge would have a chance to rule on the case in the next month.

The claim? That some workers would work through some or all of their breaks and not get paid for the time worked — or that the time they would spend

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working during breaks resulted in overtime pay that they never received, Thomas said.

UR is not admitting any wrongdoing in the settlement, said Teri D'Agostino, UR spokeswoman.

The university has made arrangements to compensate workers for any overtime they might be entitled to, she said.

But UR officials agreed to the settlement because the class-action case "would have been very time-consuming and costly and strained our relations with employees," she said.

It would have been difficult, for example, to prove that such a situation never happened once in a seven-year period.

Five workers — medical personnel such as registered nurses — were mentioned in the lawsuit.

It is too early to gauge the total number of current and for-

mer workers who never got paid for working off the clock, Thomas added. Workers can receive up to \$100 for every year worked.

Eligible employees would have worked at UR or any of its affiliates, including Highland and Strong Memorial hospitals, Visiting Nurse Services and The Highlands at Brighton and Pittsford.

The \$9 million will cover both compensation for workers and attorney and other administrative fees. Any money left over

would go back to UR, Thomas said.

Workers suing their employers for overtime infringements has become more of a trend nationally.

"In the last five years — even more so in the last two years — there has been a wave of these types of cases," said Lance Cornell, who teaches labor law at Cornell University.

The issue is twofold. More lawyers are carving niches and being more aggressive in this area of litigation.

Also, employers keep pushing workers to do more for less or the same amount of pay, he added.

"Getting an extra 20 minutes a day out of someone without compensating them is, over time, quite a bit of extra work for free," he added.

Locally, Lowe's Home Centers, Eastman Kodak Co. — the area's second-largest employer — and a Burger King operated by Carrol's Corp. have faced such lawsuits. □

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How to apply

Are you a current or former worker who believes you are owed money for time worked off the clock? The process in which workers will be able to apply for the settlement money will be detailed in notices they should be receiving in the mail, upcoming advertisements in the Democrat and Chronicle and a soon-to-be-created Web site, said attorney Nelson Thomas.