

INDIANA AT&T TECHNICIANS FILE CLASS ACTION LAWSUIT ALLEGING LUNCH BREAK VIOLATIONS



According to news reports, AT&T employee Deborah Sturgeon, along with 10 other plaintiffs from Indiana, has filed a class action in a U.S. District Court. Their employers AT&T Teleholdings, Indiana Bell, Ameritech Services and AT&T Services, stand accused of not providing proper breaks and pressurizing workers to work during them. Furthermore, the plaintiffs are alleging that they were not adequately compensated for working during the breaks. The suit says that the employer's practice is an infringement of the federal Fair Labor Standard Act, as well as of Indiana's wage and record-keeping laws. The suit seeks an injunction and punitive damages for the violations. Kimberly D. Jeselskis, the lawyer for the plaintiffs explaining the law's intricacies said that her clients are paid by the hour and are entitled to overtime if they work beyond 40 hours. To ensure that they stay within this stipulated period the employees are required to take "off the clock" lunches, she said. However, they are not taking a lunch break because, as Jeselskis put it, "they have to stay with the vehicle, they can't go home." In spite of this they are being charged for this time, which in effect means that they are putting in more than 40 hours of work each week and not getting paid for the overtime that they are putting in. The suit states that AT&T Midwest employs nearly 1,300 technicians in a range of capacities across the state of Indiana. These workers work in shifts, each shift around nine hours long, with unpaid lunch breaks of either 30 or 45 minutes. These breaks are not really breaks as they are subject to "heavy restriction." For example, technicians who are assigned manhole work must compulsorily guard the manhole, even whilst on the purported break. They must eat their lunch, within half a mile from their assigned route and are not allowed to stray from these boundary limitations even if food is not available. Workers complain that this makes finding food "difficult to impossible" on some routes. Employees are allowed to eat their lunch in their vehicles if they have brought it along with them. But after they have finished eating they are not allowed to engage in any extra-curricular or private activities. The suit further alleges, "Moreover, separate from the restrictions, the Company's productivity-based performance ranking system puts the technicians under significant pressure to work through unpaid lunch breaks in order to complete as many jobs as possible in each work shift." Marty Richter, a spokesperson for AT&T in a statement said, "AT&T is committed to full compliance with all federal and state laws, including the wage and hour laws, and has received numerous awards for being an employer of choice." It is not compulsory for the employers to provide lunch breaks and if they are provided, they do not need to be paid. However, California has enacted its own rules, making it mandatory for employers to provide half-an-hour breaks if an employee is working more than five hours at a time. Indiana does not have any such rule. A break realistically means that an employee is free to do what he wants, be it reading a book, listening to music, or assessing his email or using air-conditioning to recharge himself. Not allowing that can be a violation of a workers' rights and the verdict whenever it comes may make such unpaid lunch breaks illegal under FLSA and state laws.