

# PITTSBURGH TRIBUNE-REVIEW

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## Hospital workers sue for lunch money

Filings against UPMC, West Penn pay policies could affect 100,000.

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TRIBUNE-REVIEW

Federal lawsuits filed against Pittsburgh's largest health care networks might impact more than 100,000 current and former hospital workers if a judge

grants class action status. "They've cheated employees out of millions of dollars in pay over the past several decades," attorney Nelson Thomas said Wednesday during a Downtown news conference announcing two lawsuits against University of Pittsburgh Medical Center and West Penn Allegheny Health System.

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Daina Hunter, a medical assistant at UPMC Montefiore in Oakland, says finding time to eat can be tough. "I ate between seeing patients," said Hunter, 34, of Lawrenceville. She said clinical workers are docked 30 minutes for a meal "even if we just take a bite. That's not right."

## Hospital workers sue for lunch money

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The lawsuits filed in U.S. District Court, Downtown, accuse UPMC and West Penn of automatically docking employees a half-hour for meals, regardless of whether they took breaks, not paying for work performed before and after scheduled shifts and not paying for required training.

Thomas' firm, based in Rochester, N.Y., filed a similar federal lawsuit Tuesday against Pittsburgh Mercy Health System.

Daina Hunter, a medical assistant in the urology department at UPMC Montefiore in Oakland, found time yesterday to run out for a pizza. Finding time to eat it, though, was another matter.

"I ate between seeing patients," said Hunter, 34, of Lawrenceville, employed by UPMC for 10 years. She said clinical workers are docked 30 minutes for a meal "even if we just take a bite. That's not right."

Hunter is not a plaintiff in the lawsuits and did not say whether she would join. "But I agree with the people who are fighting this," she said.

UPMC stands by its pay policies, said spokesman Paul Wood, who noted that Thomas' firm drums up business through mailings to nurses.

"We're aware of the lawsuits. We're examining them, and we are going to vigorously

defend ourselves," Wood said.

West Penn spokesman Dan Laurent declined to comment, as did a spokeswoman for Pittsburgh Mercy. UPMC acquired Mercy in January 2008, and the Uptown hospital became UPMC Mercy.

Though only nine current and former UPMC and West Penn employees are named as plaintiffs, Thomas said his firm represents about 700 of the hospitals' current and former employees. UPMC and West Penn have about 37,000 and 12,000 employees, respectively.

Thomas declined to discuss his firm's business practices, but said many Western Pennsylvania clients contacted the firm through one of its Web sites, [www.HospitalOvertime.com](http://www.HospitalOvertime.com).

University of Tennessee law professor Jeffrey Hirsch, who specializes in employment and labor law, said the law firm's methods are legal.

"But if the allegations (in the lawsuits) are true, it sounds like the hospitals have a problem," he said.

Hirsch said federal law requires employees who choose to deduct time for meals to ensure employees get 30 uninterrupted minutes or more away from work duties.

Plaintiffs in the lawsuits claim they rarely, if ever, got uninterrupted times for meals but that they always were docked for

the time.

Thomas said the practice occurs across the hospital industry.

"When is the last time you went into a hospital and an employee said they couldn't help you because they were finishing a meal?" he asked. "It doesn't happen."

Class action lawsuits often are designed to pressure defendants into making settlements, said Darren McKinney, a spokesman for the American Tort Reform Association in Washington.

"The plaintiffs' lawyers will almost certainly draw a much more handsome slice (of any settlement or judgment) than any of the individual plaintiffs," said McKinney, who spoke generally about such cases.

Thomas' law firm — Dolan, Thomas & Solomon — settled a similar case against the University of Rochester in 2006 for \$9 million. That figure included legal fees and up to \$700 for qualified employees, or \$100 for each year they worked during a seven-year period. In the end, approximately 26,000 employees received part of the settlement.

The firm has eight cases pending, not counting those filed in Pittsburgh this week. Those lawsuits also will be filed in Allegheny County Common Pleas Court, Thomas said.

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