

## **Federal judge certifies employees' class action against AT&T**

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By Scott Lauck

scott.lauck@molawyersmedia.com

A federal judge will allow a lawsuit by AT&T call center workers who say they worked unpaid hours to proceed as a class action.

U.S. District Judge Ortrie Smith granted a conditional certification in an order on Tuesday. The certification allows the plaintiffs to begin discovery in a case that could include thousands of workers in call centers across the country.

Plaintiffs Rebecca Dernovish and Alex Welch worked at call centers in Kansas City and Oklahoma City, respectively. In their lawsuit filed in January 2009, they claim that company policy forced them to log into their computers and have software up and running before their shifts started, so that they could begin taking calls as soon as their shifts officially began. Those extra minutes constitute unpaid labor, the petition said.

According to Smith's order, about 20 people so far have opted into the lawsuit. However, the potential size of the class is probably "a couple thousand," said attorney Rick Paul, of Stueve Siegel Hanson in Kansas City. AT&T has 10 call centers in the country, including two in Missouri, he said. The lawsuit encompasses anyone who staffed customer-service lines for AT&T Operations Inc. in the last three years.

The lawsuit was brought under the Fair Labor Standards Act, which allows conditional certification so that potential plaintiffs can be located and notified of their right to opt in. Following discovery, AT&T will have an opportunity to decertify the class.

"AT&T complies with all federal and state wage-and-hour laws," said Marty Richter, an AT&T spokesman. He declined to comment further. Ogletree, Deakins, Nash, Smoak & Stewart is representing the company.

Stueve Siegel Hanson is pursuing a similar lawsuit in the District of Kansas against Southwestern Bell, another part of the AT&T corporation. The case was filed in 2008 and received conditional certification last year.

Paul said the case in the Western District of Missouri is essentially an outgrowth of the lawsuit in the District of Kansas. He said some plaintiffs in the two cases work for the same call center but receive their checks from different AT&T subsidiaries.

Paul cited a U.S. Department of Labor fact sheet that specifies that a call center worker's shift "includes starting the computer to download work instructions, computer applications, and work-related emails." He said companies that operate call centers have faced this type of litigation before.

"They're all very similar to each other because it's a practice that goes on nearly universally in the industry," Paul said.

The case is *Dernovish et al. v. AT&T Operations Inc.*, 4:09-cv-015.