

Consultants Fire Up OT Action Against Drake Beam

By Abigail Rubenstein

Law360, New York (April 25, 2011) -- A pair of former consultants at Drake Beam Morin Inc. launched a class action in Colorado federal court on Thursday, accusing the human resources services company of refusing to pay them overtime wages.

John Green and Elizabeth Enright filed a complaint claiming that DBM, a company that specializes in helping companies assist their laid-off employees in finding new positions, willfully fails to pay its consultants for all hours worked and denies them overtime pay in violation of the Fair Labor Standards Act.

“Despite specializing in assisting other companies' departing employees, defendant's practice and policy is not to pay its own employees for all the hours they work in the workweek,” the complaint said.

Green and Enright are hoping to represent an opt-in class of consultants employed by DBM across the U.S. within the past three years. Initial research suggests there may be as many as 2,000 potential class members, according to George A. Hanson of [Steve Siegel Hanson LLP](#), who represents the plaintiffs.

The complaint alleges that although DBM consultants regularly work more than 40 hours per week, DBM insists they only record a predetermined number of hours in the payroll records for a given week.

Regardless of how many hours the consultant works, the firm only pays for the predetermined number, according to the complaint.

If a consultant does work more than 40 hours in a week, the consultant must either forgo payment for the excess hours or move the hours over into the next week, so consultants are deprived of the overtime pay they are due, the complaint alleges.

The complaint further contends that the consultants perform additional compensable activities that are recorded but for which DBM does not pay, including travel and study.

Green and Enright worked in DBM's Colorado and Arizona offices, respectively, but the complaint maintains the company adheres to the same allegedly unlawful compensation policies in all of its offices nationwide.

The suit seeks compensatory and liquidated damages for members of the proposed class, as well as pre- and post-judgment interest and the costs of bringing the litigation, including attorneys' fees.

A DBM spokeswoman declined to comment Monday, citing a company policy against commenting on pending litigation.

The plaintiffs are represented by George A. Hanson, Richard M. Paul and Jack D. McInnes of Stueve Siegel Hanson LLP and Daniel A. Sloane of Hillyard Wahlberg Kudla & Sloane LLP.

Counsel information for DBM was not immediately available.

The case is Green et al. v. Drake Beam Morin Inc., case number 1:11-cv-01063, in the U.S. District Court for the District of Colorado.