



## Lake City Worker to Join Suit

By [JUSTIN LANG jlang@lakecityreporter.com](mailto:jlang@lakecityreporter.com)  
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A former employee of ClientLogic's Lake City call center is joining a civil lawsuit that alleges the company violated state and federal labor laws by failing to pay employees for hours worked. Chad Harper said when he found out about the suit filed in a New York federal court by two employees at ClientLogic's former Buffalo facility, he realized he had a similar experience working at its local call center. Former New York employees Martin J. Hens and Paul Van Voorhees originated the suit on May 31 and allege they and co-workers were not paid for overtime work as required by the federal Fair Labor Standards Act and New York state laws.

"I just want to get the pay that I'm out," Harper said of his decision to join the suit. "I'm not looking for any extra money or anything like that. I just want the pay that I was owed." A Fort White resident, the 18-year-old Harper said he worked at the local call center as a technical support agent from March until May for about \$7 an hour when he became frustrated and left for a different job.

According to his declaration, which he is in the process of filing with the U.S. District Court for the Western District of New York, Harper said everyday during the last two weeks of his work at ClientLogic, he and others were asked to clock out and wait for superiors to give permission to go back on the clock once there were more tech support calls to take.

He said at time the unscheduled breaks were twice a day, sometimes for 30 minutes and sometimes for as much as an hour. This was in addition to his regular unpaid lunch break of 30 minutes on Monday and Tuesday with one hour the rest of the week, he said. "We were not allowed to leave the building during this time," Harper alleged in his declaration. "(A manager) told us we would be fired if we left the building during this time. Sometimes I performed work, including finishing telephone calls and doing 'CLS Scrubs' (forms that had to be filled out as a follow-up to certain customer calls) during these breaks."

Harper said when he first began working at ClientLogic he worked and was paid for 40 hours a week, but as tech support calls became less, he was asked to clock out, watching his paid hours dwindle, but still being required to be at work. He also alleges in his declaration that employees were told to be at work 30 minutes before their shift began everyday to set up their computers and be ready to take calls as soon as they went on the clock. Harper said there was no pay for the pre-shift work. "I know it doesn't seem like much, but it adds up," he said.

At times, after his workday was over at 5 p.m., he also alleges that he was required to fill out 'CLS Scrubs'. According to his declaration, Harper said a manager told him "we had to fill out CLS Scrubs off the clock." At other times, Harper also alleges that he worked five to 20 minutes into his lunch break, but was not compensated.

A spokesman for ClientLogic did not return phone messages left by the Lake City Reporter Wednesday.

When he first began working at ClientLogic in March, Harper said it was busy and he took one customer call after another. But by the time he left in May, he said there were periods where when time between calls spanned 30 seconds to 10 minutes. Harper said once his managers began telling him and others to start clocking out during slow periods, no one complained. "We didn't protest it, no," he said. "I needed a job and I didn't want to make them mad, so ..." Harper said there were few explanations offered to employees other than "they just told me times were slow and things would pick back up in a few weeks." He said he had a feeling that being required to be at work and not be paid, as he has alleged, "was wrong." "I knew there had to be a law against it," he said.

Justin Swartz, attorney with the Outten and Golden law firm in New York, said that he has heard from about 150 current or former employees of ClientLogic, all with allegations similar to Harper's. "This is not the first lawsuit for overtime against call centers," Swartz said. "It's an industry-wide practice, call centers require their employees to work without paying them for some of that work." Swartz said there is no hearing scheduled in the case, but the next step is to seek class-action status. According to the Fair Labor Standards Act, Swartz said regardless of state laws in the 16 states ClientLogic operates more than 20 call centers, every employee is entitled to time and a half for every minute they work over 40 hours a week. If a company fails to pay that amount, he said, the employee is entitled to two times and a half of normal pay.

He said that not being paid for hours worked essentially amounts to a loan from the employee to the company. "ClientLogic has been taking money from the workers for years and now it's time to pay them back," Swartz said.