

# Wage & Hour Violations

CPM represents workers and classes of employees in wage and hour lawsuits. Wage and hour violations occur when employers fail to pay workers for all of the work they have performed. Such violations can manifest themselves in several ways, including:

- **Overtime:** Employers often fail to pay overtime wages for overtime labor. Under California law, non-exempt employees are entitled to time-and-a-half of their regular rate of pay when they have worked more than 40 hours in a week or more than 8 hours in a day. The federal Fair Labor Standards Act establishes that non-exempt workers are, at a minimum, generally entitled to time-and-a-half pay once they've worked more than 40 hours in any given week.
- **Federal and State Minimum Wages:** Employers often fail to pay federal and/or state minimum wages. Although this can occur in a variety of contexts, the failure to pay minimum wages often occurs when employers have misclassified employees as "exempt" or as "independent contractors." See *Employee Misclassification*.
- **Meal & Rest Breaks:** Under California law (and other state laws), employers are required to provide meal and rest breaks. Violations of these laws can occur when employers exclude rest breaks from pay or otherwise adopt policies that discourage workers from exercising their right to meal and rest breaks.
- **Tips & Commissions:** Employers often unlawfully withhold tips and commissions from service industry workers.
- **Failure to Pay Wages for All Time Spent Performing Work:** Employers sometimes fail to pay employees for all time spent performing required work, such as putting on and removing protective clothing essential to performing a job (so-called "donning and doffing" violations) or for time spent traveling to job sites.
- **Misclassification:** Employers often fail to pay overtime, reimburse necessary expenses, and/or provide meal and rest breaks due to their misclassification of employees as "exempt" or as "independent

## Key Contacts

Justin T. Berger  
jberger@cpmlegal.com

Tamarah P. Prevost  
tprevost@cpmlegal.com

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contractors.” See *Misclassification*.

- **Pay Cards:** Some companies pay employee wages through the use of debit cards that have fees and other unfavorable provisions.
- **Failure to Reimburse for Business Expenses:** Employees are entitled to reimbursement of expenses for employment-related purposes.
- **Vacation Pay and Other Benefits Accrued by Hours Worked:** “Use-it-or-lose-it” accrued vacation policies can often run afoul of state law.

If you would like to discuss your potential or pending wage and hour violations case, please follow up with Justin Berger or Tamarah Prevost.

- Email Justin
- Email Tamarah
- Call Justin or Tamarah at (650) 697-6000.

## Noteworthy Cases

### *Fair v. Archdiocese of San Francisco*

#### San Francisco Superior Court

CPM was lead counsel in a class action lawsuit against the Archdiocese of San Francisco for its failure to properly provide to employees a health benefit mandated by the City of San Francisco under the Health Care Security Ordinance. CPM secured a settlement of \$2.45 million on behalf of Archdiocesan employees who were denied benefits starting as early as 2008.

### *Avery v. Integrated Healthcare Holdings, Inc.*

#### Orange County Superior Court

CPM was co-lead counsel in a class action lawsuit filed against the IHHI chain of hospitals in Southern California. CPM represents registered nurses and respiratory therapists who were not paid overtime wages in accordance with state law. The case was settled for \$14.5M in 2013. The court granted final approval in August 2014.

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### ***In re: Wachovia Securities, LLC, Wage and Hour Litigation***

USDC, Central District of California

CPM was designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits against Wachovia Securities, LLC, on behalf of more than 10,000 current and former stock brokers who were not paid in accordance with state and federal law.

### ***In re: AXA Wage and Hour Litigation***

USDC, Northern District of California

CPM was appointed co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against the AXA family of insurance companies, on behalf of more than 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

### ***Confidential Settlement***

CPM achieved a favorable confidential settlement for an employee terminated for exercising the right to meal and rest breaks.

## **News**

CPM Achieves \$39 Million Settlement in Wachovia Securities, LLC Litigation  
05.11.2009