

HOUSTON★CHRONICLE
BUSINESS

FREE ACCESS VIEW

You've been granted free access to this Houston Chronicle article.

Subscribe today for full access to the Houston Chronicle in print, online and on your iPad.

SUBSCRIBE

Nurses say they have to work off the clock at Methodist

Houston Methodist Hospital has been sued for allegedly requiring its nursing staff to work off the clock through its practice of automatically deducting a 30-minute lunch break.

One of its former nurses, Joy Corcione, is seeking permission from a local federal court for collective action on behalf of more than 5,000 co-workers. Her lawsuit alleges the giant hospital system owes back wages to the nurses, nursing assistants, patient-care assistants and associates because they're required to respond to patient calls, meet with physicians and perform other work duties during their lunch breaks.

Sometimes nurses and other patient-care workers don't get to eat lunch because they are too busy, the lawsuit claims.

The hospital system responded in a written statement that it makes sure to pay employees "appropriately even if their lunch is interrupted to care for patients" and that Methodist officials "take great strides to ensure a fair compensation process and a fair work environment."

"We will address any claims during the litigation process," the statement read.

Under federal labor law, employers do not have to pay for lunch breaks when employees are not working. But it's considered work time when employees are still on duty answering calls, checking email and doing other work-related activities even through they're also eating a sandwich or sending personal text messages.

The lawsuit, which covers seven Methodist locations in the Houston area, alleges that nurses do not clock in or out from their lunch breaks but that the payroll system automatically deducts the 30-minute break.

Galvin Kennedy, an employment lawyer with Kennedy Hodges in Houston who is representing Corcione, said his initial research found many large hospitals use a similar time-tracking system that automatically deducts time for meal breaks.

Kennedy said he also found from talking to nurses at Methodist that they routinely work through lunch. It's rare when they have an uninterrupted 30-minute lunch break, he said.

While the nurses and other patient-care employees can file a form indicating they worked through lunch on a particular day, Corcione's lawsuit says they are discouraged from correcting the hours on their time sheets.

But nurses are committed to their patients, and when a patient calls for help or family members or the attending physician stops by, the nurse is still on duty, he said.

The case has been assigned to U.S. District Judge Gregg Costa, who will decide whether to certify it as a collective action. Nurses and other patient-care employees will then receive notices asking if they'd like to opt in. Only employees who do so can share in any settlement.

It could be a significant amount of back wages, Kennedy said, estimating that a couple of hours of overtime each week for a nurse earning \$40 an hour could work out to about \$6,000 a year.

Kennedy is seeking three years of back wages and damages that would double the back-pay award.

HEARST *newspapers*

© 2014 Hearst Newspapers, LLC