

County settles lawsuit with nurses

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mansfieldnewsjournal.com

MANSFIELD — The Richland County Board of Developmental Disabilities has agreed to pay \$30,000 to settle a lawsuit four nurses brought under the federal Fair Labor Standards Act, alleging they were not paid fairly for overtime.

Licensed practical nurses Cindy Roberson and Amy Mays, along with registered nurses Angela Duffner and Dee Urban, are to receive a total of \$19,500, under terms of the settlement worked out Feb. 11. Another \$10,500 is to be paid to the law firms of the Cleveland attorneys representing the nurses, Daniel A. Messeloff and Anthony J. Lazzaro.

In agreeing to the settlement, the board admitted no wrong, nor did it admit the nurses' claims had any merit, an agency official said.

“The lawsuit alleged that nurses employed by the county board were forced to work off the clock without pay to complete certain work obligations,” said Richland Newhope Superintendent Elizabeth Prather. “The county board denied those allegations. Indeed, we discovered no evidence this had occurred.”

Prather said the board made a pragmatic decision to settle the lawsuit to save taxpayers the cost of fighting it.

Roberson, who worked for the county from 2005 to April 25, 2012, was responsible for care of residents in Raintree and group homes. She sued the board under the Fair Labor Standards Act in July 2012.

Roberson claimed the agency failed to pay hourly nurses overtime compensation at 1 1/2 times regular pay for hours worked over 40 hours in a work week, and failed to record all hours worked by hourly nurses.

The lawsuit contended that while Roberson worked 50 to 55 hours per week, she and other similarly employed hourly nurses weren't paid overtime at the higher rate.

Roberson alleged nurses frequently were required to perform work after their regular shifts ended, clocking out and continuing to perform work without pay.

The lawsuit said supervisors were aware that was occurring, but refused to compensate them fairly for their work.

Of 40 nurses who worked for the board during the three-year period, and who were notified of the lawsuit and its claims through letters allowing them to opt in to the court action, two other former employees and one current employee joined the lawsuit, Prather said.

“Since only four plaintiffs were in the case, the county board made an economic decision to settle the case amicably rather than waste valuable taxpayer dollars fighting the case for another year or two,” she said.

Under the settlement, Roberson, who initiated the lawsuit, receives the largest share, \$11,257, with \$5,394 to Urban, \$2,772 to Duffner and \$78 to Mays.