



Cleveland to pay \$2.2 million in federal court settlement for improperly rounding employees' time on the clock

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The city of Cleveland will pay thousands of current and former workers \$2.2 million as part of a federal court settlement for improperly rounding hours worked. *(PD file photo)*

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CLEVELAND, Ohio -- The city of Cleveland will pay \$2.2 million to thousands of city workers as part of a settlement in a class action lawsuit accusing the city of improperly rounding the starting and stopping times of employees' shifts.

According to a joint motion filed Tuesday in U.S. District Court, 3,746 current and former city employees will share the settlement proportionally, based on how much each person lost in overtime since Jan. 1, 2011.

The class-action suit was filed in November by Cheryl Ambruster, who has worked for the city since 2002 and is a clerk in the Information Support Services department. The suit claims that the city violated the federal Fair Labor Standards Act and the Ohio Minimum Fair Wage Standards Act by rounding time clocked by non-exempt employees against them, rather than to the nearest increment.

For example, if employees clocked in late or clocked out early, their starting and stopping times were rounded against them to the nearest six-minute increment. But if employees clocked in early or clocked out late within a 12-minute window, their starting and stopping times also were rounded against them to their scheduled shift.

The policy had been in place since 1991, according to the motion.

But on March 3, the city issued a memorandum to all union leaders, modifying the policy and stating that from then on, employees would be paid according to their actual time worked without any rounding rules.

After several months of investigation and mediation, the city and plaintiff reached a settlement on May 21, the motion states.

Attorney Anthony Lazzaro of the Lazzaro Law Firm LLC, along with attorney Christopher DeVito of Morganstern, MacAdams & DeVito Co., represented Ambruster and the other employees.

Lazzaro said in a news release that he was amazed that the city had used the improper rounding practice for decades, even after the Department of Labor issued an advisory letter in 1994 explaining that

employers should not round against employees when calculating time worked.

City Communication Director Maureen Harper said in a written statement Wednesday that the city agreed to the settlement in fairness to the employees and taxpayers.

"Although the city has several strong defenses," Harper wrote, "in light of litigation risk and -- more importantly -- in the interest of doing the right thing for our employees, we have discontinued the policy and agreed to make certain settlement payments over a two-year period."

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