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Auto Parts Co. Owes OT Pay For Safety Duties, Suit Says

By **Matthew Guarnaccia**

Law360, New York (January 6, 2017, 1:31 PM EST) -- Automotive and industrial parts company Schaeffler Group USA Inc. violated the Fair Labor Standards Act by failing to pay workers for performing job-related safety and efficiency tasks, a proposed class action lawsuit filed Thursday in Ohio federal court says.

Creg Boring, who worked at the Wooster, Ohio, manufacturing plant of Schaeffler subsidiary LuK USA Inc. said he and his fellow employees must "don" and "doff" clothing including gloves, aprons and safety glasses in order to operate machinery required for their jobs. But Boring, who was a computer numerical control, or CNC, operator accused Schaeffler and LuK of failing to pay workers for the time spent retrieving their gear and tools, and dressing up or down before and after their shifts.

Boring said CNC operators lost out on additional pay they should have received for time spent performing these job-related duties and others, including time spent meeting with other employees to discuss the work to perform on that particular day.

"As a result of plaintiff and other similarly situated CNC operators not being paid for all hours worked, plaintiff and other similarly situated CNC operators were not paid overtime compensation for all of the hours they worked over 40 each workweek."

According to the complaint, Boring and the other CNC operators only received payment for work performed between scheduled start and stop times, which did not include a number of extra tasks required for their jobs.

The Occupational Safety and Health Administration requires CNC operators to wear protective equipment when operating certain machinery, including CNC machines and welders. These tools were used at the LuK plant to manufacture certain products used in the automotive, industrial and aerospace industries.

In addition to retrieving protective gear, the complaint said the operators also spent unpaid time gathering tools needed for that day's task. After donning their protective gear and before taking it off the workers had to walk to and from their stations, which was not compensated either, the complaint said.

According to the complaint, the operators also spent time talking with employees from the previous shift about job-related duties. All of these tasks were "integral and indispensable" parts of the operators' work duties, and if properly compensated, many of the workers would have performed more than 40 hours of work per week, requiring overtime compensation, the complaint said.

On top of this, Boring said Schaeffler and LuK failed to keep proper records of the unpaid work performed by the operators, alleging that the companies' violation of the FLSA and Ohio labor laws was willful.

Boring seeks to certify an Ohio class and a collective of CNC operators employed at a LuK

manufacturing facility between Jan. 5, 2014, and the present. He believes there are "several hundred" workers who would be incorporated into these groups.

Counsel for the workers, Anthony J. Lazzaro of The Lazzaro Law Firm LLC, told Law360 on Friday that the employees obtained their equipment and tools from large systems like vending machines and workers would have to wait in line to obtain the materials they needed.

"This is a pretty typical case where employers at manufacturing facilities want their employees to be ready to work when their shift starts but they don't want to pay them for time to adequately prepare to start their shift," Lazzaro said.

A representative for Schaeffler told Law360 in a statement Friday that the company is aware of the allegations and is investigating the matter.

"Schaeffler takes these matters very seriously and strives to be compliant with all state and federal laws," the representative said. "The health and welfare of our employees is our top priority."

The workers are represented by Anthony J. Lazzaro, Chastity L. Christy and Lori M. Griffin of The Lazzaro Law Firm LLC.

Counsel information for Schaeffler was not immediately available on Friday.

The case is *Boring v. Schaeffler Group USA, Inc. et al.*, case number 1:17-cv-00038, in the U.S. District Court for the Northern District of Ohio.

--Editing by Jack Karp.

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