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Home Page >> News Articles >> Cleveland Settles Ohio Employment Class ..

Cleveland Settles Ohio Employment Class Action with Municipal Workers

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3

Cleveland, OH: One can imagine a group of happy plaintiffs and class members, running down a Cleveland street and giving a shout-out with outstretched arms to "Ohio," akin to every opening of the beloved *Drew Carey Show*. Only this time, the fist pumps are because they won their fight with the city of Cleveland. Yes, in this [Ohio Labor Laws](#) altercation between employee and employer, it was the city of Cleveland that turned out to be the bad guy.



Now, \$2.2 million later, it's all settled. Fist pumps all around from some 4,000 municipal workers.

According to court documents, the Ohio Employment class-action lawsuit was led by named plaintiff Cheryl Armbruster, who took exception on behalf of her class members to the City rounding up the clock-in-and-out times for hourly, non-exempt employees. According to allegations brought forward in the suit, the city of Cleveland failed to record actual start and stop times, but rather rounded up or down those times.

The assumption on the part of the employer was that the practice would average everything out. However, class members alleged that the practice went beyond the sloppy keeping of records, and actually cost employees in unpaid wages. Plaintiffs alleged that workers who clocked in early, worked late or returned late from unpaid lunch breaks were never properly compensated for all the time they worked.

Armbruster, who brought the lawsuit on behalf of her class members this past November, alleged the practice was in violation of Ohio Labor and Employment Law, the Ohio Minimum Fair Wage Standards Act as well as the Fair Labor Standards Act (FLSA). Armbruster works for the Department of Public Safety for the city of Cleveland.

The decision to settle avoided a potentially long, costly and protracted Ohio State Employment trial. "If forced to litigate this case further, the parties would certainly engage in complex, costly, and protracted wrangling," the settlement motion, released June 3, said. "The settlement, on the other hand, provides substantial relief to [the class members] promptly and efficiently, and amplifies the benefits of that relief through the economies of class resolution."

The \$2.2 million settlement will compensate roughly 3,746 former and current employees who may have been affected by the city's timekeeping policy and may have lost wages - including Ohio overtime - due to the rounding protocol. The settlement affects all current and former employees from January 1, 2011 through to March 4 of this year, the date at which the city of Cleveland modified its timekeeping policy to eliminate the rounding practice.

It should be noted that the city of Cleveland had observed the rounding protocol dating back to 1991.

The class-action lawsuit and subsequent settlement, in support of Ohio Employee rights, will also cover Ohio Employment attorney's fees and all costs. As the characters in the former *Drew Carey Show* might say, "Ohio!"

The settlement must still be approved by a federal judge. The case is *Cheryl Armbruster et al. v. City of Cleveland*, Case No. 1:13-cv-2626, in the US District Court for the Northern District of Ohio.

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