

Jackson administration does the right thing, settles wage lawsuit: editorial

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Frank Jackson administration settles lawsuit over city's longstanding practice of rounding employee work hours in a way detrimental to employees. (*Brittany Sowacke, Dallas Morning News, Associated Press*)

Editorial Board By **Editorial Board**

on June 29, 2014 at 5:22 AM

The Jackson administration's **settlement of a federal class action lawsuit** against the city of Cleveland is a welcome victory for city workers -- and a satisfactory end for Cleveland's head-scratching failure going back many years to keep proper employee time records.

Even more perplexing is why the practice of rounding employees' start and end times in a manner favorable to the city did not end in 1994 when the practice was flagged as improper by a directive from the U.S. Department of Labor.

City Hall Spokeswoman Maureen Harper said in an email that the practice was stopped soon after the lawsuit -- filed in November -- was reviewed by city officials.

The mayor "was not aware [until then] that the city's policy was not legal, nor did he do the day-to-day implementation of the policy for the thousands of employees it covered," Harper stated.

The cumulative cost is steep: The city has agreed to pay 3,746 current and former employees a total of \$2.2 million in back wages, according to a motion filed June 3. The money will be shared proportionally, **based on how much each employee lost in overtime** since Jan. 1, 2011.

Even better than the money, though, even better than doing the right thing, the city has stopped nickel-and-diming its hourly workers.

The lawsuit, filed by Cheryl Ambruster, a clerk in the Information Support Services department, charged that thousands of city employees had been short-changed since the early 1990s -- when Michael White was mayor -- by a policy that allowed supervisors to round out time worked by nonexempt employees.

"If my start time is 8 a.m. and I clocked in at 7:50 a.m. I wouldn't get paid for those extra ten minutes," city spokeswoman Harper explained in the email. "However, if I clocked in a minute late -- at 8:01 -- the clock would register 8:06 for payroll purposes and I would lose 5 minutes of pay."

This practice persisted even though the U.S. Department of Labor issued a general directive in 1994 that employers should not round time worked against an employee.

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Harper said she could not speak to actions of earlier administrations.

The settlement money will be paid out of individual department budgets, she said.

More importantly, this unfair practice will end.

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