

Coil Manufacturer Hit With Wage Suit Alleging Unpaid OT

By **Irene Spezzamonte**

Law360 (November 2, 2022, 1:39 PM EDT) -- A producer of magnetic coils and transformers owes hourly paid workers millions of dollars in unpaid wages and overtime after automatically rounding employees' time sheets to 40 hours, according to a proposed class and collective action in New York federal court.

In a **complaint** filed Friday, machine operator Deseria R. Griffin says that Endicott Coil Company Inc. rounded her time sheets to 40 hours regardless of the overtime work she performed before and after her scheduled shifts, in violation of the Fair Labor Standards Act and the New York Labor Law.

"Defendant has knowingly configured their time-keeping system to deny compensating hourly employees for some — if not all — of this unlawful rounding time spent on the defendant's behalf by systematically rounding down the hourly employees' total time worked," Griffin says.

Griffin says she worked as a machine operator from July 2013 to July 2022 maintaining and operating covering and winding machines.

Although she was scheduled to work from 5 a.m. to 3:30 p.m. four days a week, Griffin says, she would arrive at work between 10 and 15 minutes before her scheduled shift and work between 20 and 30 minutes beyond the end of her workday.

However, Endicott paid her as if she worked for 40 hours, including one occasion during the pay period of March 20, 2022, to March 26, 2022, in which the company left out about four hours of overtime for her pay, according to the suit.

On the other hand, Griffin says that if she clocked in late or clocked out early, the company would pay for the time she worked. Therefore, "Endicott's time rounding practices only worked to the employer's benefit and would never average out over time," Griffin says.

Griffin says that she also worked during her uncompensated meal breaks and that Endicott provided her with inaccurate wage statements, which were lacking several details including whether she was paid by the hour, the name of the employer and her gross wages.

Griffin says she seeks to represent a collective under the FLSA of all current and former hourly employees who worked for Endicott in the past three years, and a class under New York law of the same workers the company employed in the past six years who did not receive overtime and proper wage statements.

Overall, Griffin says more than 100 workers could be part of the suit and the damages could go beyond \$5 million.

Brett Gallaway of McLaughlin & Stern LLP, who is representing Griffin, said Wednesday that he looks forward "to aggressively pursuing accountability against Endicott."

"We believe that this matter is ripe for collective and class certification and that all employees of Endicott Coil have been deprived of significant amounts of uncompensated time for years," Gallaway said. "This case will hopefully end this improper wage treatment and compensate these individuals for their unpaid efforts and contributions to the company's success."

Representatives of Endicott did not immediately respond to requests for comment Wednesday.

Griffin is represented by Nelson Canter, Brett Gallaway, Lee Shalov and Jason Giaimo of McLaughlin & Stern LLP.

Counsel information for Endicott was not available Wednesday.

The case is Griffin v. Endicott Coil Company, Inc., case number 3:22-cv-01128, in the U.S. District Court for the Northern District of New York.

--Editing by Abbie Sarfo.