

LAW

Three ex-Station employees claim payroll abuses while casino company denies allegations

Class action sought by Reno firm in fuzzy area of Nevada labor law

BY VALERIE MILLER

Station Casinos, a company known for its high employee-satisfaction ratings, is facing a potential class action lawsuit over allegedly not paying its workers overtime and compensating them for all hours worked. The case may also spur similar litigation against other casino companies, observers said.

McInerney & Jones, a Reno law firm specializing in class action cases, filed the lawsuit in federal court Feb. 4 on behalf of three former Station employees: Josh Lukevich, Cathy Scott and Julie St. Cyr.

The law firm seeks to have the case certified as a class action. If it were so classified, the firm could represent the approximately 10,000 hourly employees at the locals' gaming giant.

If certified as a class action, the lawsuit would seek claims exceeding \$5 million, said Charles Jones, the lawyer for the named plaintiffs. His firm filed a complaint against Station claiming that it failed to pay its employees for all hours worked, failed to pay overtime and failed to pay wages in a timely manner. An additional charge of conversion was also levied. Conversion is when a person's property is converted for use by another.

Station denied the claims.

"Station Casinos ... has recently learned that three former team members have filed a lawsuit alleging that they were not

paid for certain hours worked during a portion of their tenure at the company," the e-mail statement from Station reads in part. "The company is justifiably proud of its reputation as one of the best employers in the gaming industry, and is, therefore, disappointed that these former team members would make such baseless and unfounded allegations."

Kevin Kelley, executive vice president and chief operating officer for Station Casinos, defended the company's reputation as an employer in the statement.

"We are successful because we treat our team members with respect and provide a great working environment," he said. "As such, when unfounded allegations such as these are made by former team members represented by out-of-town class action lawyers, we take such matters very seriously."

Station says it will vigorously defend the lawsuit.

The gaming company would not disclose details about how its payroll system works.

Lukevich was an hourly room runner from 2005 to 2007 at Fiesta Henderson. Scott was an hourly guest service ambassador in the slot department for 12 years at Boulder Station and Texas Station. St. Cyr spent seven years as a blackjack dealer at Boulder Station, Palace Station and Sunset Station until



BUSINESS PRESS FILE PHOTO

Two of three plaintiffs named in a worker pay lawsuit filed against Station Casinos spent time working at Boulder Station.

March 2007.

Their attorney said he has already done extensive investigations, including interviews with past and current Station employees. He declined to say what the damages of his three named plaintiffs were estimated to be.

"I can't comment as to the number of Station employees interviewed," Jones added. "As for this policy, I am satisfied it goes back more than three years."

The law now allows plaintiffs to recover up to three years of damages, but Jones is confident his clients will be allowed to go back even further.

Jones said Station had a policy at its properties that allegedly involved discouraging overtime and failing to pay employees for all hours worked, and rewarding supervisors for enforcing it.

"This policy and failure and practice was effectuated, in part, by significantly 'rounding' the hourly employees' starting and ending times of employment for each shift, forward and backward," the complaint claims.

The issue of "rounding" hours is controversial in Nevada because it has never been ruled legal or illegal, some local employment lawyers said.

"I never recommend that my clients

round," said Krystal Ginapp, an attorney with Hutchinson & Steffen. "Nevada law says you pay for hours worked. The (U.S. Department of Labor) says you can round as long as over the course of time you don't fail to pay the employee."

Mark Ricciardi, an employment lawyer who has represented other gaming companies, countered that rounding itself is not bad.

"Rounding is supposed to result, during the course of the year, in neither the employer or the employee being hurt," he said.

Ricciardi gave the example of a worker being six minutes late for a shift, but not losing any money because of his hours being rounded up. On the other hand, the same employee wouldn't get overtime for working six minutes extra, either.

Ginapp said the case could have implications beyond its outcome. Other workers, she said, may begin to wonder about their own paychecks.

"It could definitely start a whole host of class action lawsuits against casinos or employers in the valley," she said.

vmill@fbusinesspress.com | 387-5286



BUSINESS PRESS FILE PHOTO

A former hourly room runner at Fiesta Henderson is one of three named plaintiffs in a lawsuit accusing Station Casinos of failing to pay its employees for all hours worked, failing to pay overtime and failing to pay wages in a timely manner.