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After huge jump, U.S. wage-and-hour filings dip in 2013

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(Reuters) - After skyrocketing for years, the number of new wage-and-hour claims in U.S. federal courts fell in 2013, according to data from the federal court system released on Tuesday.

New lawsuits in federal district courts alleging violations of the federal Fair Labor Standards Act (FLSA) dropped 8 percent to 7,500 new cases in 2013 from 8,152 in 2012, the data shows.

John Thompson, an attorney at Fisher & Phillips who defends companies in wage-and-hour lawsuits, said the drop was likely a "natural fluctuation," not the start of a downward trend.

"The magnitude of that downturn is probably not substantial enough for me to believe it is indicative of a trend," said Phillips, who said that wage-and-hour dockets remain busy.

"We should certainly not conclude from this that there is any kind of wane from the number of FLSA lawsuits now or in the near future," he said.

Overall, all filings under the general category of "labor laws" were down 7 percent last year. In addition to the drop in FLSA cases, there was also a drop of nearly 10 percent in cases alleging violations of the Employee Retirement Income Security Act (ERISA).

FMLA CASES RISE

But one area where filings climbed considerably was lawsuits brought under the federal Family Medical Leave Act (FMLA), which increased 201 percent to 877 filings last year from 291 in 2012. Data collection in the category began in late 2011.

Douglas Wigdor, the founder of plaintiffs' law firm Wigdor Law, said he had seen more cases in his own practice alleging violations of the FMLA, often tied to pregnancy leave.

"Unfortunately you are seeing an uptick in cases where a woman goes out on maternity leave, and she is either terminated or comes back and goes into a different position," Wigdor said.

In the past, said Wigdor, plaintiffs lawyers would file charges of pregnancy discrimination under Title VII of the U.S. Civil Rights Act of 1964. But, because the Equal Employment Opportunity Commission must review those cases before they are filed, such claims must first go through a sometimes lengthy conciliation process before being filed in court, said Wigdor.

FMLA cases need not be filed with the EEOC first.

"Perhaps lawyers in the past filed pregnancy discrimination cases, and overlooked the FMLA," said Wigdor. "I think people are becoming more familiar with it."