

# Verizon Accused Of Misclassifying Employees To Avoid OT

By Bryan Koenig from Law 360  
July 16, 2015 – 6:41 PM ET

[Verizon Communications Inc.](#)'s New York subsidiary was hit with a proposed wage and hour class action in New York federal court Tuesday from an employee who says the company misclassifies its logistics workers as supervisors to avoid paying overtime.

Plaintiff Thomas Dillon said that he's been classified as a supervisor in Verizon New York Inc.'s logistics services division since 1993 even though in all that time he's never overseen anyone but himself. Instead, Dillon alleged, he and others like him were classified as supervisors to make them exempt employees; workers Verizon didn't have to pay for dozens of hours of overtime each week accrued over the course of years or decades.

"While employed as a supervisor for defendant, plaintiff worked well over forty hours per week, often working over eighty hours in a given workweek. Defendant, however, intentionally misclassified plaintiff as an exempt employee," Dillon said, "and, in doing so, completely failed to pay him for any hours that he worked in excess of forty in a given workweek at any rate of pay, let alone at his regular rate of pay or his overtime rate of pay."

Verizon also failed to provide Dillon with accurate wage statements as required under the New York Labor Law, according to the complaint, which seeks to represent current and former logistics services division employees classified as supervisors who worked overtime but weren't paid for it.

"Defendant paid and treated all of its supervisors in its logistics services division in this manner," Dillon said.

Dillon said he first joined Verizon in 1986. Since his elevation to the supervisor classification, he said he has been responsible for ordering and distributing equipment and traveling to company work centers to provide that equipment to field technicians, along with review and edits of equipment orders.

The work, according to Dillon, required exhaustive hours, generally from 6:30 a.m. to 7:00 p.m. Monday to Friday.

“Additionally, up until early 2015, plaintiff worked at least four weekend days every month, generally working from 10:00 a.m. until 2:00 p.m. As such, during this time period, plaintiff’s regular schedule had him working an average of sixty-six and one-half hours per week,” Dillon said. “However, defendant only paid plaintiff for his first forty hours worked, failing to pay him at any rate of pay, let alone his regular rate of pay or his overtime rate of pay, for the extra approximately twenty-six and one-half overtime hours that he worked per week.”

Dillon has already been joined by at least two other Verizon New York employees who consented to join the proposed class, according to court documents that require workers to stipulate they have worked for the company within the last six years and were stiffed on overtime.

The lawsuit seeks the allegedly unpaid overtime under the Fair Labor Standards Act and New York Labor Law, along with an injunction that would bar Verizon from future misclassification practices, a prohibition on retaliation, and damages.

“This is the third class action filed in New York within the last two years by Verizon employees who claim they were misclassified as ‘managers’ so the company could avoid paying overtime,” Dillon’s lawyers, [Borrelli & Associates PLLC](#) and [Wigdor LLP](#), said in a statement. “The wage laws in this country are intended to prevent employers from taking advantage of hard working employees, and Verizon will continue to face these actions if it continues to [flout] the law.”

A Verizon spokesperson told Law360 that the company does not comment on pending litigation.

The proposed class is represented by Todd Dickerson, Alexander T. Coleman and Michael J. Borrelli of Borrelli & Associates PLLC and David Gottlieb, Renan F. Varghese and Douglas Wigdor of Wigdor LLP.

Attorney information was not available for Verizon on Thursday.

The case Dillon v. Verizon New York Inc., case number [1:15-cv-05517](#) in the U.S. District Court for the Southern District of New York..

--Editing by Ben Guilfooy

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