



## Wage and Hour

ERS Group's quantitative analyses help attorneys assess the value and merits of wage and hour claims.

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ERS Group experts have provided quantitative analyses for Fair Labor Standards Act (FLSA), state, and federal employee wage and hour class actions across the United States. We have offered testimony on FLSA and wage and hour litigation in federal district courts, the U.S. Court of Federal Claims, and state courts, including California, Florida, New York, Minnesota, and Ohio.

Issues we have analyzed include:

- Misclassification
- Off-the-clock work
- Missed meal and rest periods
- Regular rate of pay
- Overtime claims
- Pay differentials
- Donning and doffing

ERS Group economists estimate measures of time worked from existing data, and help clients identify sources of information to measure the work day when no time clock data exists, including sources such as:

- Cell phone records
- Security checks
- GPS
- Payroll
- Scheduling
- Point-of-sale
- Computer login

*Selected clients include:*

AMGEN

Baker Donelson

Brinker International

Cheesecake Factory

Coca-Cola Refreshments

Dollar Tree Stores

City of El Paso

Cracker Barrel

Littler Mendelson

Lockheed Martin

Morton's Restaurants

Ogletree Deakins

Orrick

Paul Hastings

Proskauer Rose

Rite-Aid

Safeway

Sodexo

Susman Godfrey

Taco Bell

United Parcel Services

United States Air Force

United States Army

Waffle House

WellPoint

Wells Fargo

Wyndham Worldwide

Yahoo

### *Misclassification (Exempt/Nonexempt)*

ERS Group economists help determine the extent of the misclassification issues in cases where the class is large but not all employees are similarly situated. In addition, our economists can, in conjunction with time and motion experts, determine the potential value of misclassification claims.

### *Off-the-Clock Work*

ERS Group economists analyze timekeeping data in conjunction with other time-stamped data to measure actual occurrences of alleged off-the-clock work. Our analyses of employee behavior patterns can help to quantify the extent of potential violations.

### *Overtime Pay Calculation*

ERS Group experts assess time swipe, audit trail, point of sale, scanning, computer login and other types of data to assess off-the-clock or overtime work. We also compute the potential damages (and penalties) from lost overtime.

### *Missed Meal/Rest Breaks*

Assessing available data such as time swipe data, ERS Group experts analyze the length and timing of breaks, and the number of breaks taken vs. potentially missed breaks. We also compare and contrast other critical time stamp data (computer log data, point of sale data, cell phone and e-mail data) to evaluate and quantify the pervasiveness of missed or short breaks, if any.

### *Damage Estimates*

ERS Group economists assess whether potential class members are similarly situated to provide preliminary estimates of economic exposure in the early stages of litigation. We also use timekeeping (and other) data to assess trends and patterns around class certification issues to provide the potential value of the case. Additionally, we prepare exposure estimates using individualized data for settlement or determination of damages following trial.