



The Web Site of The Sacramento Bee

This story is taken from [Sacbee / Business](#).

## Sutter nurses file suit over missed breaks

**They seek back pay; hospital system calls move 'unnecessary.'**

**By Gilbert Chan - [gchan@sacbee.com](mailto:gchan@sacbee.com)**

**Published 12:00 am PST Friday, February 15, 2008**

Five nurses are suing Sutter Health to collect back pay for missing meals and rest breaks and working overtime.

The class-action lawsuit, filed late Wednesday in Sacramento Superior Court, accuses Sacramento-based Sutter of having "a consistent policy" of requiring nurses to work through their breaks without compensation and failing to pay appropriate overtime and minimum wages since February 2004.

By law, workers must have a 10-minute rest period every four hours and a 30-minute meal break for every five hours of work. Employers must compensate workers for an hour's pay every day the law is violated. A violation occurs if the rest break isn't taken within the fourth hour and the meal within the fifth – even if the worker takes the break later in the shift.

Sutter spokesman Bill Gleeson said Sutter strives for consistent compliance with California's complex labor rules in a setting where patient care must be given top priority.

"Our affiliate health care organizations are committed to doing the right thing," he said. "It is unfortunate that they will have to divert attention and resources to defend this unnecessary lawsuit."

The suit comes as Sutter and state labor regulators conduct a massive audit of payroll and timecard records of about 4,500 workers at five hospitals in the Sacramento region. The review could result in a multimillion-dollar payout.

The Sutter lawsuit was filed by nurses Diane Aymer, Deborah Klacik and Sheryl Wozniewicz of Sacramento County, Montie Frederick of Solano County and Jackie Brown of Placer County.

"Sutter has been aware of the problem for some time. They really haven't take any measures to stem the problem," said H. Wade Sammis, the Sacramento attorney representing the nurses.

Earlier this month, Mercy hospital employees in Sacramento filed a similar class-action lawsuit against Catholic Healthcare West, the San Francisco-based parent of the local facilities.

Go to: [Sacbee / Back to story](#)

This article is protected by copyright and should not be printed or distributed for anything except personal use.  
The Sacramento Bee, 2100 Q St., P.O. Box 15779, Sacramento, CA 95852  
Phone: (916) 321-1000

Copyright © [The Sacramento Bee](#)