

Little Ferry man sues over back pay

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A Bergen County resident is one of two former managers for Robert Half International Inc., one of the nation's largest employment search firms, who have sued the company claiming payment for unpaid overtime.

Little Ferry resident Dave Opalinski and James McCabe of Mountain Lakes say in a lawsuit filed in U.S. District Court in Newark that the company improperly classified them as managers, who are often exempt from claiming overtime under federal law.

The suit seeks class-action status to represent the thousands of other company employees in a similar situation, saying that managers at the company regularly work more than 40 hours a week.

"Although Robert Half staffing managers have been required to work long hours," the suit says, "they have not been paid overtime."

The law requires employers to pay covered workers time-and-a-half for any hours worked above 40 hours a week. But some employees are exempted from claiming under

ased on their duties or whether

they are considered salaried managers.

The suit says Opalinski worked for Robert Half from February 2002 to January 2009 and McCabe worked for the company from August 2001 to October 2008.

The suit does not say how much money the men are seeking or where they worked, but Robert Half International has more than 20 offices in New Jersey, including in Prospect Park, Harrington Park, Pompton Lakes and Paramus.

Jessica Miller, a spokeswoman for the company in New York, said the company does not comment on legal matters.

Founded in 1948, Robert Half calls itself "the world's first and largest specialized staffing firm." It has 400 offices worldwide and had 2009 revenues of \$3 billion.

The suit, seeking to show that the men were not really managers, says they had no discretion or independent judgment on "matters of significance" and they did not manage the enterprise or a department.

Instead, the company told the managers "what they should be working on at every

moment of the day, on an hour-by-hour and sometimes minute-by-minute basis," the suit said. Managers mainly spent their days calling companies to ask about their staffing needs, making cold calls and sales pitches, the suit says.

The suit, which also names Robert Half Corp., demands the company pay the unpaid overtime along with an equal amount of damages.

The company faces a similar suit filed in Florida in December, claiming staffing managers were misclassified as exempt from paying overtime.

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