



Portfolio Media, Inc. | 860 Broadway, 6th Floor | New York, NY 10003 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Cable Guys Hit BroadBand With Wage Action

By **John Metcalfe**

Law360, New York (October 08, 2010) -- Two workers who disconnected the cable of delinquent customers for BroadBand Interactive Inc. have filed a putative class action against the telecommunications company, alleging they were illegally denied overtime wages and payment for training.

Matthew Thomas and David Ortiz filed suit Thursday in the District Court for the Middle District of Florida on behalf of themselves and a proposed class of workers nationwide who performed various disconnect, reconnect and collection work for BroadBand in the past three years.

The suit alleges that BroadBand improperly classifies the collection specialists as independent contractors rather than employees, and includes two counts of Fair Labor Standards Act violations, one for withholding overtime compensation and the other for denial of minimum wage.

Chicago-based BroadBand contracts with major cable companies such as Time-Warner Cable Inc. and Comcast Corp. to provide various services, one being cutting off the cable of nonpaying customers, the complaint says.

In Florida, BroadBand contracts with Bright House Networks LLC, running a network of at least 100 collection specialists in Polk, Hernando, Citrus, Pasco and Hillsborough counties, according to the complaint.

Thomas and Ortiz were two of those Florida specialists, the suit states. Thomas worked for BroadBand from March 2007 to July and Ortiz worked from 2006 to August, it says.

When the named plaintiffs began at BroadBand, both signed an independent contractor agreement that purported to pay them on a piece-work basis based on how many customers they dealt with and how many services they rendered, including disconnecting

cable, collecting bills and reconnecting cable once customers had paid, the complaint says.

On a normal day, they dropped by the main office around 7 a.m. to pick up daily work schedules then headed out into the field for 10 or 12 hours, the suit says. Afterward, they came back to the office to finish up paperwork, it says.

These duties added up to more than 50 hours of work a week, but BroadBand never paid them overtime or kept track of their hours as required by FLSA, the complaint argues.

During their first days on the job, the company also required them to drive around with veteran collection agents to learn the ins and outs of cable-disconnection, and they were not paid anything during this training period, a violation of federal minimum-wage laws, the suit alleges.

The complaint says that the collection agents follow all company policies, wear company-issued shirts, bear assigned cable technician numbers, and have no discretion as to the type of jobs they perform or the number of days they work in a week.

In addition, they are not allowed to perform the same kind of work for other telecommunications companies, according to the suit.

The complaint asks the court to certify a class and issue opt-in notices so that the collection specialists can recoup denied overtime compensation and minimum wage, as well as seeking liquidated damages or prejudgment interest.

Representatives for the parties did not immediately respond to requests for comment Friday.

BroadBand, formerly called Interactive Marketing Services Inc., provides sales, installation, audit, field collection and telemarketing services to the telecommunications industry.

The plaintiffs are represented by Sam J. Smith and Loren B. Donnell of Burr & Smith LLP and Harold L. Lichten and Ian O. Russell of Lichten & Liss-Riordan PC.

Counsel information for the defendant was not immediately available.

The case is Thomas et al. v. BroadBand Interactive Inc., case number 10-cv-00518, in the U.S. District Court for the Middle District of Florida.