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64 Nevada FedEx drivers join 10,000-plus lawsuit fight over overtime

The FedEx logo is displayed on a FedEx delivery truck on Feb. 1, 2023, in Los Angeles. (Mario Tama/Getty Images/TNS)

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Over 10,000 Federal Express delivery drivers — 64 of them in Nevada — have filed lawsuits against the corporation for failing to pay overtime.

Shannon Liss-Riordan of Lichten & Liss-Riordan, who is litigating the case for all plaintiffs, said FedEx claims it does not have to pay overtime because it hires all of its delivery drivers as independent service providers, or ISPs, not direct employees of the company.

The lawsuit stated “it is clear that the delivery drivers working under the intermediary ISPs are also FedEx employees” under the Fair Labor Standards Act.

FedEx said all plaintiffs “are or were” employees of service provider companies.

“We maintain that Service Providers are contractually and legally obligated to comply with all wage and hour laws as it relates to their employees,” said FedEx in a statement to the Las Vegas Review-Journal. “We look forward to addressing these issues in court.”

The Nevada lawsuits were filed in the United States District Court of Nevada on Sept. 29 and 30. All of the lawsuits are identical, except for different plaintiff names, and allege each plaintiff “regularly worked more than 40 hours per week but has not been paid overtime.”

The lawsuits are asking for restitution for all unpaid overtime, liquidated damages and prejudgement interest; litigation costs and attorneys fees; as well as such other and further relief as the court deems just and proper.

Liss-Riordan said the lawsuits are part of a decades-long fight with FedEx regarding delivery driver employment and overtime pay.

“I started suing FedEx a week before my daughter was born, and she just turned legal to drink,” said Liss-Riordan.

The litigation originally started when FedEx classified its delivery drivers as independent contractors rather than employees. FedEx changed its hiring process to classify delivery drivers as ISPs, in the early 2010s, said Liss-Riordan.

“FedEx has put this intermediary in between it and the drivers, so that it can disclaim responsibility for them not getting paid overtime and their protections,” said Liss-Riordan.

Because of the ISP model, FedEx claims “they’re not the employer, and so it’s not their problem,” said Liss-Riordan.

“The ISPs could be their employers, and FedEx could also be the employer,” she said. “All joint employers are responsible for ensuring compliance with wage and hour laws, including the overtime law.”

Originally, the lawsuit was brought to the courts as a collective in U.S. District Court for the Western District of Pennsylvania. In May, the judge ordered all of the lawsuits had to be filed individually, which explains the large number of lawsuits.

And, Liss-Riordan says it is far from over.

“We’re still in the process of filing them,” said Liss-Riordan. “We started a little under a month ago, and we expect to be done in a couple more weeks.”

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