

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Fort Worth, Texas

ADMINISTRATOR WARNS AGAINST SPECIOUS EMPLOYEES' SUITS

April 9 -- Workers who sue their employers under the Fair Labor Standards Act to obtain double the amount of legally earned but unpaid minimum wages and overtime compensation were warned here tonight by Brigadier General Philip B. Fleming, Administrator of the Wage and Hour Division of the United States Department of Labor, of the necessity for careful preparation of such suits.

General Fleming cited a number of employee suits that have been thrown out of the courts because of the failure of the plaintiffs to produce evidence that they are covered by the law, or their failure to prove the number of hours they worked.

Many of these cases, he said, might have been won if the plaintiffs and their lawyers had sought the advice of Wage and Hour Division attorneys before they were filed. Others he characterized as "specious" and said they should not have been filed at all.

"I do not know how many employees' suits have been filed since we have no very effective way of keeping track of them," General Fleming said, "but I think there have been a thousand or more.

"No employee has to consult us before filing such a suit, but in practically every case I think it would be to the advantage of employees if they and their lawyers came in and talked it over with us first.

"Occasionally, I suppose, a worker may figure, 'Well, it's a good gamble. Maybe I can't prove my case up to the hilt, but still I might get something anyway, and there's no harm in trying.' Permit me to say that in my opinion that is a very

short-sighted attitude to take. For you can very well see that it would not take many ill-founded suits, suits that the courts would have to throw out for lack of evidence, to bring the Act into disrepute. And that would have the effect of prejudicing every other employee's case, no matter how just it might be, before the public if not before the courts. Every specious case of this sort serves merely to embarrass every other worker whose cause may be just. The right to sue is so important a device for bringing about compliance with the Fair Labor Standards Act, it is so valuable a protection to workers everywhere in their lawful rights, that we should be especially careful not to abuse it."

The right of employees to sue for unpaid minimum wages and overtime compensation and, if successful, to collect double the amount due plus the court costs and a reasonable attorney's fee, is conferred by Section 16(b) of the Act.

General Fleming spoke at a meeting of Fort Worth employers and employees arranged by G. C. Street, Jr., Regional Director of the Wage and Hour Division.

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