Oil Workers Sue For Overtime Pay

DAVE KOLPACK, Associated Press

FARGO, N.D. (AP) — Attorneys for a major oil drilling business say a federal lawsuit accusing the company of failing to pay overtime to workers in the North Dakota oil patch should be thrown out, according to court documents filed Tuesday.

Chris Elliott, who lives in Clearwater County, Idaho, is seeking class-action status for his complaint against Schlumberger Ltd., which provides technology and other support services for the oil and gas industry. Elliott filed the lawsuit in September.

The complaint alleges the company is likely to owe at least $5 million once all the individual claims are submitted. Elliott said he worked many 16- to 20-hour days and the company used a fluctuating work week to avoid paying overtime to him and other employees.

"Consequently, they were paid at rates lower than what the law requires," the lawsuit states.

Schlumberger said in a response filed Tuesday that the plaintiffs did not work more than 40 hours in any given work week and are not entitled to overtime pay under state or federal laws. The company said it made good-faith efforts to comply with the Fair Labor Standards Act and any alleged violations of law "were not willful."

The company said the lawsuit fails to state a valid claim and the plaintiffs have not suffered any damages.

Attorneys for the two sides did not return phone messages left on Tuesday by The Associated Press.

The complaint said employees did not have a "clear and mutual understanding" that they would be paid using a fluctuating work week and accuses Schlumberger of leaving out bonuses and other compensation when calculating wages for overtime. The plaintiffs are seeking overtime for all time worked over 40 hours each week at time-and-a-half the regular rate.

The lawsuit said there are hundreds potential class members, which include current and former equipment operators and trainees, as well as other employees performing similar duties in North Dakota. Elliott has been joined in the lawsuit by three other workers.

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