

Baker Hughes Hit With Wage-And-Hour Action

By **Dan Prochilo**

Law360, New York (June 27, 2013, 3:15 PM EDT) -- Baker Hughes Oilfield Operations Inc. and one of its subsidiaries were hit with a proposed class action in California state court Wednesday accusing the companies of preventing employees from taking work-free breaks and failing to adequately compensate workers when they were on call.

Maurice Solaberrieta, an equipment operator for the provider of oil and natural gas drilling and other services to the energy industry, sued Baker Hughes and BJ Services LLC, saying the companies failed to give their operators legally mandated breaks and didn't pay them for all the hours they worked.

"Defendants decreased their employment-related costs at their facilities in order to increase their level of productivity and profits by systematically violating both state wage-and-hour laws," the suit said.

According to Solaberrieta, who worked at the companies' Santa Fe Springs, Calif., facility servicing rigs in oil fields from November 2007 until September 2012, the companies did not provide him and other similarly situated employees with the legally required half-hour "duty free" meal breaks before their sixth hour of work.

Even when they did get meal periods, the employees' breaks were not long enough and were not given soon enough under the California Labor Code, and the workers had to be on duty during those purported meal and rest periods because of understaffing, according to the suit.

Baker Hughes also occasionally failed to provide workers whose shifts were more than 3 1/2 hours with required rest periods "because the disruption of continuous operations would jeopardize the product or process of work," the suit said. But the employees did not then make up their missed rest periods later in the day, nor did they receive payment for the extra 10 minutes of time they worked when they should've been on break, the suit said.

Solaberrieta said Baker Hughes also stiffed him out of proper compensation for the time that he was on call, saying that when he was not on the job he had to be readily available and "immediately respond to any incoming calls to return to work" that came in on his cellphone.

By failing to account for all the hours employees were on duty, the companies provided their workers with inaccurate wage statements, did not pay them for all the time they put in and did not pay them their full wages within the time limits established under state law, the complaint said.

Solaberrieta asked the court to certify a class made up of all hourly equipment operators who worked in California for the companies within four years prior to the filing of his complaint.

Additionally accusing Baker Hughes of violating the California Business and Professions Code, the suit asked the court to grant class members unpaid wages and benefits, waiting-time penalties for the companies' alleged failure to pay former employees in a timely fashion, interest, damages and attorneys' fees.

A representative for Baker Hughes could not be immediately reached for comment on Thursday.

Solaberrieta is represented by Graham S.P. Hollis and Brian Short of GrahamHollis APC.

Counsel information for Baker Hughes was unavailable.

The case is Maurice Solaberrieta v. Baker Hughes Oilfield Operations Inc. et al., case number BC513274, in the Superior Court of the State of California, County of Los Angeles.

--Editing by Katherine Rautenberg.