

PRESS ADVISORY

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Monday, March 30, 2015 – San Luis Obispo, CA

Today, eight nurses filed a lawsuit in San Luis Obispo Superior Court against Twin Cities Community Hospital (“Hospital”) for rampant wage-and-hour violations, including wage theft and an across-the-board failure to provide breaks. The Hospital is a 122-bed acute care facility located in Templeton. It has an emergency room and provides a broad array of medical, surgical and outpatient services. The Hospital is owned by Tenet, the second-largest employer in San Luis Obispo County. The nurses allege that the Hospital failed to provide them with meal and rest breaks mandated under California law, failed to calculate their pay correctly, and required them to perform overtime work after their 12-hour shifts were completed.

According to the complaint, nurses routinely worked 12-hour shifts without receiving a single rest break, even though they are entitled to receive three 10-minute breaks for a 12-hour shift. Supervisors told nurses to take breaks by simply walking away from their patients, without providing a “break nurse” to ensure proper coverage. Following these instructions would cause the nurses to abrogate the duties of care owed to their patients in violation of California law, which mandates specific patient-to-nurse ratios at all times. The Hospital understaffs its departments to such a degree that nurses have simply been unable to take breaks without violating California’s mandatory patient-nurse ratio requirements. Nurses who have walked away from patients to take breaks have returned to find their patients have fallen or otherwise been neglected while they were on break. “This lawsuit is about patient safety,” said Lauren Teukolsky, one of the attorneys representing the plaintiffs. “The Hospital must provide adequate staffing so that nurses can take breaks without endangering the health and safety of their patients.”

In July 2014, the Labor Commissioner awarded \$32,000 to another Twin Cities nurse for missed rest breaks. In that case, the Labor Commissioner hearing officer concluded that Twin Cities “failed to provide an adequate number of qualified staff who could, or did, oversee patients to allow the Plaintiff his rest period without fear of violating patient to nurse ratio requirements.” Despite this ruling, Twin Cities has not changed its policies or practices to provide proper breaks for nurses.

The lawsuit filed today also alleges that the Hospital systematically underpaid its nurses for several years through various unlawful means. For example, the Hospital has failed to calculate overtime premiums correctly, which means that nurses are not paid all of the hard-earned wages to which they are entitled when they work more than 12 hours in a day. “Tenet is a sophisticated company. It knows the rules for calculating wages. Yet for years, Tenet has shortchanged these hardworking nurses, stealing thousands of dollars in nurses’ wages to line its own coffers,” said local employment attorney Hernaldo J. Baltodano, another attorney

representing plaintiffs. Tenet, which is the third-largest publicly traded hospital chain in the country, reported revenues in 2014 of \$4.18 billion, with adjusted earnings of \$459 million. Added Mr. Baltodano, “It is time for Tenet to be held accountable and to know that the public is watching.”