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Golden Gate University School of Law

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For Immediate Release

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Contact:

Sara Feldman, Legal Aid Society-Employment Law Center - sfeldman@las-elc.org, 617-276-5632

Hina Shah, Women's Employment Rights Clinic, Golden Gate University School of Law,

hshah@ggu.edu, 415-442-6649

Catha Worthman, Lewis, Feinberg, Lee, Renaker & Jackson P.C., cworthman@lewisfeinberg.com, 510-839-6824

Caregivers File Suit against Kindred Healthcare and Affiliates for Wage and Hour Violations

(Oakland, CA) Today, the Legal Aid Society-Employment Law Center (LAS-ELC) and the Women's Employment Rights Clinic of Golden Gate University School of Law along with the law firm of Lewis, Feinberg, Lee, Renaker & Jackson, P.C., filed a class action lawsuit on behalf of in-home and facility caregivers in the California Superior Court, Alameda County against Kindred Healthcare, Inc. and affiliated companies Professional Healthcare at Home, LLC and NP Plus, LLC, alleging failure to pay minimum wage and overtime and various meal and rest period violations, among other claims.

Plaintiffs contend that Kindred—one of the nation's largest employers of direct-care workers—and its California homecare affiliates have failed to pay caregivers for all hours worked when they provide in-home care. Often working shifts of 12 or 24 hours, caregivers provide companionship, custodial care, supervision and other non-medical support services to Defendants' clients - including the elderly, people with disabilities, and people recovering from surgery or coping with a long illness.

The complaint goes on to allege that Kindred and its affiliates fail to comply with the rules that govern caregivers working in California care facilities, by failing to pay applicable overtime or to provide meal and rest breaks. Caregivers were regularly assigned to provide constant care and supervision to Kindred clients in care facilities, and were not provided relief so that they could take legally-mandated and much needed meal and rest breaks.

"I worked as a professional caregiver for over 25 years. It's a hard job, but I truly care for my clients," said Ginger Rogers, a named-plaintiff in the suit. "But I believe they didn't pay me all my wages when I was assisting a Kindred client in her home. And when I went to care for another client in a facility, I had

to work long shifts without any meal or rest breaks. So I decided to speak up so that no one else will have to suffer like I did.”

“Companies cannot provide these kinds of services at the expense of their employees’ basic right to be paid for all hours worked,” said Carole Vigne, Director of LAS-ELC’s Wage Protection Program and one of the attorneys for the plaintiffs.

“Nationally, an estimated 3.5 million people work as caregivers – it is the fastest growing sector of the workforce,” said Hina Shah, Co-Director of the Women’s Employment Rights Clinic at Golden Gate University School of Law. “Defendants employ approximately 300 professional caregivers in Northern California alone.”

Direct care workers, such as the plaintiffs in this case, are the lifeline for those they serve, providing quality care. Yet these workers earn significantly less than most others. Forty-eight percent of direct-care workers nationwide earn 200 percent below the federal poverty level income and receive one or more forms of public assistance like food stamps.

“We are hopeful that this lawsuit will set an industry standard requiring compliance with the laws that govern this kind of work,” added Catha Worthman, a shareholder at Lewis, Feinberg, Lee, Renaker & Jackson.

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About the Legal Aid Society-Employment Law Center

Founded in 1916, the Legal Aid Society-Employment Law Center (LAS-ELC) protects the rights and economic self-sufficiency of low-income workers by providing free legal services, education, and advocacy. LAS-ELC’s Wage Protection Program educates and empowers low-wage workers who have been subjected to unlawful wage and hour practices so that they can advocate for themselves. Where necessary, the Wage Protection Program also provides direct representation to workers in their claims against employers.

About GGU Law’s Women’s Employment Rights Clinic (WERC)

The Women’s Employment Rights Clinic (WERC) is a clinical law program at Golden Gate University School of Law. Over the past 20 years, WERC has partnered with community based organizations, advocating for the rights of low-wage and immigrant workers through direct service, impact litigation and public policy work. WERC served as legal counsel to the California Domestic Workers Coalition, which helped pass AB 241 last year, extending overtime to approximately 80,000 domestic workers in California.

About Lewis, Feinberg, Lee, Renaker & Jackson P.C.

Lewis, Feinberg, Lee, Renaker & Jackson P.C. is a national law firm that since its inception in 1983 has fought for the rights of employees in employee benefits, wage and hour, and employment discrimination and civil rights cases.