

Appeals court: Walmart owes \$188 million for unpaid work

The Pennsylvania Superior Court has upheld a \$188 million verdict against Walmart stores and Sam's Club warehouse stores in a case involving 187,000 current and former employees. A jury had concluded that's what the retailer owed employees for rest breaks that should have been paid and for off-the-clock work.

It also awarded the workers' lawyers \$46 million in attorneys' fees.

In a massive 211-page opinion, the three-judge panel concluded that the jury had enough evidence to convict the retailer of breach of contract, unjust enrichment and state labor law violations.

The decision has been long awaited and follows a 32-day trial in 2006 that sent shock waves through the state's employer community.

Attorneys for the workers alleged that Walmart and Sam's Club stores in Pennsylvania didn't allow workers to take the paid breaks they were entitled to and also required them to work after clocking out or before clocking in. The attorneys used the company's own computer records to show that employees worked through breaks.

Following the original verdict, the retailer settled several other pending cases in other states.

Attorneys for Walmart said they may appeal the latest decision.

Note: Remember that you must relieve employees of all duties during breaks and that they cannot work without pay after clocking out or before clocking in. That's true even if employees do so voluntarily or without permission. It's up to employers to make sure employees don't work when they aren't supposed to.