

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

*Houston v. Saint Luke's Health System, Inc., et al.*  
Case No.: 4:17-cv-00266-BCW

**If you worked as an hourly employee for Saint Luke's Health System, Inc., or another SLHS Entity (below), on or after April 10, 2012, and clocked-in and clocked-out using an automated timeclock, a class and/or collective action lawsuit may affect your legal rights.**

**SLHS Entities include the following:**

Saint Luke's Health System, Inc.  
Saint Luke's Hospital of Kansas City  
Saint Luke's South Hospital, Inc.  
Saint Luke's North Hospital  
Saint Luke's East Hospital  
Saint Luke's Cushing Hospital, Inc.  
Saint Luke's Hospital of Chillicothe d/b/a Hedrick Medical Center  
Saint Luke's Physician Group, Inc. f/k/a Saint Luke's Medical Group  
Saint Luke's Physician Group I, LLC f/k/a SLCC, Inc.  
Saint Luke's Physician Group II, LLC f/k/a Saint Luke's Physician Specialists, LLC  
Advanced Urologic Associates, Inc.  
Saint Luke's Health System Homecare and Hospice  
Saint Luke's Neighborhood Clinics, LLC  
Saint Luke's College of Health Sciences  
Medical Plaza Imaging Associates, LLC  
Saint Luke's Hospital of Trenton d/b/a Wright Memorial Hospital  
Saint Luke's Hospital of Garnett d/b/a Anderson County Hospital  
Saint Luke's Surgery Center Shoal Creek, LLC

**1. What is this Notice about?**

You are receiving this Notice because you may be part of a Missouri-wide class action and are eligible to join a collective action that was recently certified by a federal court in a lawsuit entitled *Houston v. Saint Luke's Health System, Inc., et al.*, Case No.: 4:17-cv-00266-BCW (the "Lawsuit"). The Lawsuit is pending in the U.S. District Court for the Western District of Missouri, and it relates to a timekeeping rounding policy used by SLHS Entities for the start and end of hourly employees' shifts as described more fully below. The purpose of this Notice is to inform you of the Lawsuit and what you must do if you wish to be included in, or excluded from, the Lawsuit. If you are a member of either class, your legal rights could be affected by the Lawsuit.

## **2. What is a Class Action and/or Collective Action Lawsuit, and Who is Involved?**

In a *class* action lawsuit, one or more people called “class representatives” file suit on behalf of themselves and other people similarly situated. These people together are a “class” or “class members.” The individual who filed the lawsuit is called the Plaintiff. The companies that are sued are called the Defendants. One court resolves the issues for everyone in the class—except for those who choose to exclude themselves from the class by following the instructions in this Notice to do so.

A *collective* action lawsuit is similar to a class action. In a collective action, one or more people referred to as “collective representatives” file suit on behalf of themselves and other people similarly situated. These people together are a “collective” or “collective members.” Unlike a class action, however, in a collective action one court resolves the issues only for those individuals who choose to include themselves in the collective by following the instructions in this Notice to do so.

Here, Plaintiff Torri Houston is the class and collective action representative in this Lawsuit. Saint Luke’s Health System, Inc. and Saint Luke’s North Hospital are the Defendants.

## **3. What is this Lawsuit about?**

The Lawsuit asserts claims against Defendants under both the federal Fair Labor Standards Act (“FLSA”) and Missouri law, alleging Defendants failed to pay all wages owed to hourly employees as a result of a timekeeping rounding policy. Under that policy, if an employee clocked in for the start of a scheduled shift within the six minutes before or after the start of the shift, then the employee would be treated as clocking in at the scheduled start of his/her shift. The policy applied similarly to an employee clocking out within the six minutes before or after the end of a scheduled shift. Plaintiff alleges that the timekeeping rounding policy resulted, over a period of time, in the failure to compensate employees properly for all the time they have actually worked. The Lawsuit seeks to recover all wages allegedly owed, including any overtime wages, liquidated damages, and/or interest, available under both federal and state law in connection with this claim.

Defendants deny the allegations in the Lawsuit. They assert that the timekeeping rounding policy is lawful and neutral in application. Over a period of time, the policy’s neutral application appropriately compensates employees for all time worked. They assert employees have been paid all wages they are owed in accordance with both federal and state law. You can read Plaintiff’s Complaint and Defendants’ Answer to the Complaint at [SLHSWageClaims.com](http://SLHSWageClaims.com).

## **4. Am I a member of any Certified Class or Collective?**

With respect to the claim for violations of Missouri law, the Court has certified the following Missouri-wide class: All hourly employees who worked for SLHS Entities in the State of Missouri at any time from April 10, 2012 to September 6, 2018, who clocked-in and clocked-out on an automated timeclock.

With respect to the claim for violations of federal law, the Court has conditionally certified the following “collective action” under the FLSA: All hourly employees who worked for SLHS Entities in the United States at any time from September 6, 2015 through September 6, 2018, who clocked-in and clocked-out on an automated time clock.

You received this notice because you have been identified through Defendants’ records as someone who may fall within one or both groups of employees described above.

## **5. What are my options if I am a member of the Missouri-wide Class?**

1. You can do nothing and, as a result, join the Missouri-wide class, or
2. Request to be excluded from this portion of the Lawsuit. This is called “opting out.”

Instructions on each option are explained below.

## 6. How do I join the Missouri-wide Class? (No Action Required)

If you fall within the definition of the Missouri-wide class set forth above, you will automatically become a class member unless you elect to exclude yourself from the Missouri-wide class by opting out. If you wish to remain a member of the Missouri-wide class, you do not need to do anything. If you so desire, you may enter an appearance through an attorney, but you are not required to do so. If you remain a member of the Missouri-wide class, you will be bound by any judgment entered in favor of or against the Missouri-wide class in the Lawsuit. If the Plaintiff obtains a judgment or settlement on behalf of the Missouri-wide class, you will have the right to participate in it on the terms the Court approves. You will also be bound by any unfavorable judgment that may be rendered in favor of Defendants. You will give up the right to separately sue Defendants for legal claims that are the same or related to those alleged by the Missouri-wide class in the Lawsuit. Further, you will designate the class representatives (Plaintiff and her attorneys) as your agents to make binding decisions on your behalf concerning the litigation.

## 7. How can I exclude myself from the Missouri-wide Class? (Action Required)

If you do not wish to remain a member of the Missouri-wide class, you must opt out. You opt out by sending the Class Action Administrator an executed Request for Exclusion Form, which is included with this Notice. The Request for Exclusion Form must be postmarked no later than **February 8, 2019**. A pre-addressed envelope is provided, which you may use. Should the pre-addressed envelope be lost or misplaced, the form should be sent to:

Houston v. St. Luke's Health System, Inc.  
c/o Analytics Consulting LLC  
P.O. Box 2006  
Chanhassen, MN 55317-2006

If you timely mail a Request for Exclusion Form to the Class Action Administrator, then you will no longer be a member of the Missouri-wide class. You will not be eligible to receive money from any settlement or judgment in the event Plaintiff prevails on any of the class claims and you will not be bound by any unfavorable judgment entered against the Missouri-wide class. You will retain the right to pursue your own claims against Defendants, but the statute of limitations period on your claims will continue to run.

## 8. What are my options if I am a potential member of the FLSA Collective Action?

1. You can do nothing and be excluded from the FLSA portion of the Lawsuit, or
2. Request to be included in the FLSA claim. This is called "opting in."

Instructions on each option are explained below.

## 9. How do I join the FLSA Collective Action? (Action Required)

Unlike the Missouri-wide class, you will not automatically be joined in the FLSA collective action. If you wish to join the FLSA collective action and assert a claim for unpaid overtime under federal law, you must opt-in by completing and sending the Class Action Administrator the enclosed "Consent to Join FLSA Collective Action" postmarked no later than **February 8, 2019**. A pre-addressed envelope is provided, which you may use. Should the pre-addressed envelope be lost or misplaced, the form should be sent to:

Houston v. St. Luke's Health System, Inc.  
c/o Analytics Consulting LLC  
P.O. Box 2006  
Chanhassen, MN 55317-2006

If you choose to complete and return the "Consent to Join FLSA Collective Action," you will be bound by any favorable or unfavorable judgment entered with respect to the FLSA claim. If the Plaintiff obtains a judgment or

settlement with respect to the FLSA claim, you will have the right to participate in it upon the terms that the Court approves. You will also be bound by any unfavorable judgment that may be rendered in favor of Defendants with respect to the FLSA claim. You will give up the right to separately sue Defendants for FLSA claims that are the same as or related to those alleged in the FLSA collective action. Further, you will designate the collective action representative (Plaintiff and her attorneys) as your agents to make binding decisions on your behalf concerning the litigation.

#### **10. How do I exclude myself from the FLSA Collective Action? (No Action Required)**

If you do not wish to join the FLSA collective action, you should not return the “Consent to Join FLSA Collective Action.”

If you do not opt-in to the FLSA class action, you will not be affected by, and cannot participate in, the judgment rendered (whether favorable or unfavorable) or settlement, if any, reached in this case. Further, you will be free to file your own lawsuit at your own expense in any federal court where such a lawsuit may be properly brought.

#### **11. Can Defendants retaliate against me if I join this Lawsuit?**

No. Missouri and federal law prohibit employers from discriminating or retaliating against you for joining this Lawsuit. Whichever option you choose, Defendants cannot discriminate or retaliate against you based on your decision.

#### **12. What Attorneys Represent the Class and Collective?**

The law firms representing the Missouri-wide class and the FLSA collective are Osman & Smay, LLP and McClelland Law Firm, P.C. The law firm representing the Defendants is Littler Mendelson, P.C.

#### **13. What fees and costs are involved in the Lawsuit?**

As a class or collective member, you will not be responsible for paying any out-of-pocket attorneys’ fees or litigation expenses. Counsel for the class and collective has agreed to represent members on a contingency fee basis, which means that all attorneys’ fees and expenses are payable only out of money recovered through any ultimate judgment or settlement, assuming there is one. In the event there is a judgment or settlement, counsel may make a request to the Court for attorneys’ fees and costs, to be paid from any judgment or settlement. All applications for attorneys’ fees and costs are subject to Court approval.

#### **14. What should I do if I want more information?**

Visit the website [SLHSWageClaims.com](http://SLHSWageClaims.com) to get more information regarding this Lawsuit and review important documents related to the case. You may also get more details by calling the Class Action Administrator at 855-363-9018.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**