

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 September 7, 2018 and you clocked-in and clocked-out using an automated timeclock, a 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
Bishop Spencer Place, Inc.
Saint Luke's Hospital of Allen County, Inc.
Heart Surgeons of Kansas City, Inc.

1. Why am I receiving this notice?

You are receiving this notice because you may be part of a lawsuit that may impact your legal rights. The lawsuit is entitled *Houston v. Saint Luke's Health System, Inc., et al.*, Case No.: 4:17-cv-00266-BCW ("Lawsuit"), and is pending in the U.S. District Court for the Western District of Missouri. Plaintiff Torri Houston brought the Lawsuit to challenge the timekeeping "rounding" policy used by the SLHS Entities at the start and end of hourly employees' shifts. The purpose of this notice is to inform you of the Lawsuit and your right to participate in (or exclude yourself from) the Lawsuit.

On September 6, 2018, the Court certified a class/collective of employees who worked for Defendants and who clocked-in and clocked-out on an automated time clock (1) in Missouri anytime between April 10, 2012 and the present for violation of Missouri law; and (2) in the United States anytime between September 6, 2015 and the present for violations of the federal Fair Labor Standards Act (“FLSA”). On October 26, 2018, the Court authorized the parties to send notice of the Lawsuit to employees that were part of the class/collective.

Due to the passage of time since the Court certified the class/collective, the parties agreed to send notice to class/collective employees hired on or after September 7, 2018 and who clocked-in and clocked-out on an automated time clock. You have been identified through company records as someone who was employed at one of the SLHS Entities between September 7, 2018 and the Present who may have been subject to the same timekeeping policy at issue in the Lawsuit.

2. What is this Lawsuit about?

The Lawsuit alleges that the SLHS Entities use a timekeeping “rounding” policy that results in hourly employees not being paid for all hours worked, in violation of the FLSA and Missouri law. Under that policy, if an employee clocked in for the start of a scheduled shift within six minutes before or after the start of their shift, then the employee would be treated as clocking in at the scheduled start of their shift. The policy applied similarly to an employee clocking out within six minutes before or after the end of their 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 actually worked. The Lawsuit seeks to recover all wages allegedly owed, including any overtime wages, liquidated damages, and/or interest, available under federal and state law.

You can read Plaintiff’s Complaint at SLHSWageClaims.com.

3. Am I eligible to participate in the Lawsuit?

You may be eligible to participate in this Lawsuit. Whether you will continue to be a participant in the Lawsuit under the federal FLSA and Missouri law will depend on the choice you make in response to this notice.

First, the Lawsuit was brought as a claim under the federal FLSA as a “collective” action. This means that individuals who were subject to the same timekeeping policy at issue in the Lawsuit who want to participate in the Lawsuit must affirmatively consent in writing to join the Lawsuit as a party plaintiff.

With respect to the claim for violations of the FLSA, 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 the Present, who clocked-in and clocked-out on an automated time clock.

If you would like to join the Lawsuit as a plaintiff with respect to the FLSA claim against the SLHS Entities, you must sign and return the enclosed Intent Regarding Participation in Lawsuit form (selecting Option 1).

Second, the Lawsuit also brought a claim under Missouri law as a “class” action. This means that individuals who were subject to the same timekeeping policy at issue in the Lawsuit are automatically included in the Lawsuit unless they affirmatively request in writing to exclude themselves from the Lawsuit.

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 starting April 10, 2012 through the Present, who clocked-in and clocked-out on an automated timeclock.

If you would like to **exclude yourself** from this Lawsuit with respect to the Missouri law claim against the SLHS Entities, you must sign and return the enclosed Intent Regarding Participation in Lawsuit form (selecting Option 2).

4. What are my options?

You have three options with respect to your participation in this Lawsuit:

1. Sign and return the enclosed Intent Regarding Participation in Lawsuit form (selecting Option 1) to indicate that you would like to **participate in** the Lawsuit (as to both the FLSA claim and the Missouri claim).
2. Sign and return the enclosed Intent Regarding Participation in Lawsuit form (selecting Option 2) to indicate that you would like to **exclude yourself from** the Lawsuit (as to both the FLSA claim and the Missouri claim).
3. Do not return the enclosed Intent Regarding Participation in Lawsuit form, in which case you will be **excluded from** the FLSA claim but **included in** the Missouri claim.

A pre-addressed envelope is provided, which you may use to return your Intent Regarding Participation in Lawsuit form. Should the pre-addressed envelope be lost or misplaced, the form should be sent to:

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

To be considered timely, the form must be postmarked no later than March 4, 2024.

5. What will happen if I choose to participate in the Lawsuit?

If you choose to participate in the Lawsuit, you will be bound by any decision or judgment entered in the Lawsuit. You will give up the right to separately sue the SLHS Entities for legal claims relating to the timekeeping policy at issue in the Lawsuit. You may be asked to participate in the Lawsuit (e.g., by responding to written questions or providing testimony). You will designate the class representatives (Plaintiff and her attorneys) as your agents to make binding decisions on your behalf concerning the litigation.

6. What will happen if I choose not to participate in the Lawsuit?

If you choose not to participate in the Lawsuit, you will not be bound by any decision or judgment entered in the Lawsuit (whether favorable or unfavorable) or settlement. You will retain the right to separately sue the SLHS Entities, if you choose, for legal claims relating to the timekeeping policy at issue in the Lawsuit, but the statute of limitations period on your claims will continue to run. You would not be asked to participate in the Lawsuit, and you will not be represented by Plaintiff or her attorneys.

7. What do the SLHS Entities think about the Lawsuit?

If you do not wish to remain a member of the Missouri-wide class, you must opt out. You opt out by sending the The SLHS Entities deny the allegations in the Lawsuit. They assert that the timekeeping policy is lawful and neutral in application, that employees who clock in before the start of their scheduled shift are not necessarily working until the start of their scheduled shift, and that employees are compensated for all hours actually worked.

Having said that, the SLHS Entities recognize that eligible individuals are free to choose whether to participate in this Lawsuit, and **they will not discriminate or retaliate against any individual based on their decision.**

8. What Attorneys Represent the Class and Collective?

The law firms representing the Missouri class and the FLSA collective are Osman & Smay LLC, McClelland Law Firm, P.C., and HKM Employment Attorneys LLP.

9. What fees and costs are involved in the Lawsuit?

As a participant in the litigation, 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.

10. What should I do if I want more information?

Visit the website 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 and Collective Action Administrator at 855-363-9018.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.