



Sebring men sue MasTec for OT pay Company contracts with DirecTV

By BRAD DICKERSON
Highlands Today
Published: May 29, 2010

TAMPA - A lawsuit has been filed in the U.S. District Court's [Tampa division](#) by four [Sebring](#) men who were formerly employed by a communication company's contractor that has long-standing agreements with, among others, DirecTV. The [plaintiffs](#) filed the suit against MasTec Inc., and [MasTec North America Inc.](#), headquartered in Coral Gables, under the Fair Labor Standards Act. Calls to attorneys for MasTec seeking comment were not returned before press time.

The [four men](#) previously worked as [installation technicians](#) for the company. In the lawsuit, it is alleged that MasTec did not pay their technicians overtime if they worked more than 40 hours a week, despite knowing they had to put in the extra hours to complete their duties.

Specifically, the [lawsuit states](#) that the company refused to pay the [plaintiffs](#) for traveling to and from job assignments, time spent in company garages each morning picking up the tools and equipment needed to complete the tasks, time spent closing out jobs through a central call center, time spent at job sites where installation or a service is not finished or where an order is cancelled and any other time worked where compensation was owed.

"What they did was they capitalized off the [downward spiral](#) turn of the economy, from 2008 to 2009," said Mitch Goodsen, one of the men involved in the lawsuit. "They constantly told us, 'You should be glad you have a job.'"

While working for MasTec, the former technicians were paid on a piece-rate basis and told they wouldn't receive more jobs if they recorded all hours worked in a week and it totaled more than 40, according to the lawsuit.

"Accordingly, defendants knowingly encourage [plaintiffs](#) to misreport their hours," the suit stated.

Another of the plaintiffs, Tim Hinefelt, said he resigned from MasTec in September 2009 after having worked there a year.

In that time, he estimated he did \$17,000 worth of work for which he was not paid.

"Between all of us, maybe we can get some of that back," Hinefelt said.

Goodsen said he'd originally planned to file a civil suit against two MasTec employees immediately upon resigning on Aug. 1, 2009, but decided to hold off.

He said he had copies of his work records and documented all issues that came up during his 11 months of employment "I wanted to make sure it wasn't done through aggression or through vindictiveness," Goodsen said.

The lawsuit says the [four men](#) want to "conditionally and permanently certify of all others similarly situated to them," and are presently or formerly employed MasTec in the states where the company does business.

They are asking for lost overtime and minimum wage, as well as liquidated damages, pre- and post-judgment interest, attorneys' fees and costs.

Information from the U.S. District Court's [Tampa division](#) indicated the case would not come to trial until at least 2011.

Boston, Mass., attorney Harold Lichten, who is one of the attorneys representing the plaintiffs, said the lawsuit was filed in January. Last week, he asked the judge to certify it as a class action suit.

In 2006, MasTec was sued in a number of states for the same violation, according to Lichten, adding that the company eventually settled for \$12 million.

"For reasons which are not clear to me, after they settled the case, they continued to do the exact same thing," Lichten said.

He said since 2008, 14 other lawsuits, including the [Sebring](#) one, have been filed against the company.

Highlands Today reporter Brad Dickerson can be reached at 863-386-5838 or bdickerson@highlandstoday.com