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Did Apple Overwork Its 'Geniuses'? Lawsuit Moves Ahead

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I don't usually report on employment lawsuits here, but when I hear allegations of oppressed Geniuses, I feel compelled to make an exception. Those would be Apple (NSDQ:AAPL - News) Geniuses, who sometimes wear silly blue shirts (pictured at left). If you've ever needed to take Apple goods into the shop to be checked out by one of the company's Geniuses, you may have used the company's efficient online scheduling system.

A lawsuit filed in 2009 alleges the system is a bit too efficient—specifically, it allowed customers to book every Genius who was working at a specific time, without taking into account any legally required breaks. Apple has fixed the system, but lawyers representing former Genius employees are still seeking damages for violations of wage and hour laws going back to 2005. Yesterday, they told a San Francisco judge their case should move forward as a class action.

Genius Bar workers are paid by the hour, and California law requires such workers to get at least 10-minute breaks for every four hours worked. According to Matthew Bainer, a lawyer representing plaintiffs in the case, the Genius Bar used a computerized reservation system that just packs in the appointments without providing the Geniuses with any time to rest. In an interview with paidContent, Bainer noted that Apple fixed its computer system in October 2009, but he's still seeking damages to compensate employees who were denied breaks as far back as 2005. California law provides for serious penalties for employers that blow off break periods, and while Bainer doesn't have a firm damage demand yet, he estimates Apple's liability to be "several million dollars."

Yesterday Bainer faced off with Apple lawyers who are arguing the case shouldn't be considered as a class action. In order to form a class, the plaintiffs have to prove they have certain things in common and that a class action will be the most efficient way to handle the claims in the case. Opposing the formation of a class is a pretty standard defensive move for corporations faced with potential class-action suits. If the class is formed, Bainer will be able to seek damages on behalf of 840 current and former Apple employees who worked at approximately 45 California Apple Stores from 2005 through 2009.

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