

Former Amazon Warehouse Manager Sues for Overtime Wages

By Nick Wingfield

June 11, 2017

SEATTLE — Amazon’s warehouses have a reputation as often grueling environments for the workers who pick, pack and load orders there. Managers are pushed hard, too, according to the plaintiff in a new lawsuit against the internet retailer.

The lawsuit, filed this month by Michael Ortiz, a former shift manager for Amazon in several warehouses in the San Francisco Bay Area, accuses Amazon of failing to pay him overtime wages.

The suit, filed in Contra Costa County Superior Court, says that Amazon improperly classified Mr. Ortiz as exempt from overtime in violation of California labor regulations. Mr. Ortiz’s lawyer, Scott Cole, said he would seek class-action status for the suit with the addition of other plaintiffs.

Kristen Kish, an Amazon spokeswoman, said the company would not comment on pending litigation.

While most of the entry-level workers at Amazon’s warehouses, known as associates, are eligible for overtime pay, salaried managers are not under Amazon policy. In an interview, Mr. Ortiz, 34, said he and other managers had been promised when they were hired that their jobs would consist mostly of supervisory work.

Instead, most of his job ended up being manual labor, some of it dangerous, he said.

“When we were hired, we were told we would be managers working on high-end things,” Mr. Ortiz said. “In reality, the bulk of the managers got stuck doing very tedious work which ultimately caused me to be injured.”

There have been other cases in which workers have argued that Amazon improperly denied them overtime. In 2014, the United States Supreme Court ruled unanimously that Amazon warehouse workers were not entitled to overtime pay for the time they spent waiting to pass through security screenings, which are used to deter theft.

Cases such as Mr. Ortiz’s are more common and could have a better chance of success, especially in California, which is among the states regarded as having the most employee-friendly labor laws in the country.

In California, the burden of proof is on employers to show that workers should not receive overtime pay, which they can do by demonstrating that more than half of a manager’s job consisted of managerial responsibilities, labor lawyers said.

“Amazon faces a heavy burden to show that the workers truly fit within the narrow exemption to overtime pay that the California Legislature established,” said Jahan Sagafi, a lawyer at Outten & Golden in San Francisco who represents workers in lawsuits against employers, but is not involved in Mr. Ortiz’s case. “Just assigning them managerial-sounding work may not be enough, depending on how much they do and what it entails, exactly.”

Mr. Ortiz was working as a shift manager at an Amazon delivery station in Richmond, Calif. He said he had worked for Amazon for about 11 months until he was terminated last December after he slipped and cut his eye while climbing on a conveyor belt to free up a jam of packages.

Standing on a conveyor belt is a violation of Amazon policy. Mr. Ortiz said his supervisor encouraged him to report that he had fallen on the stairs and that he had later been fired by Amazon when witness accounts conflicted with his version of events.

Mr. Ortiz first spoke to a reporter for The New York Times early this year, not long after his injury. At the time, Mr. Ortiz said a friend and colleague in the same facility at Amazon had sustained the injury, not him.

In a phone interview after filing the suit, Mr. Ortiz apologized for the deception, saying that at the time of his first contact he was appealing his termination at the company.

“There was a small chance that I would be able to keep my job, so that is why I had to distance myself from the story,” he said.

A version of this article appears in print on June 11, 2017, on Page B4 of the New York edition with the headline: Former Amazon Warehouse Manager Files Suit for Overtime Wages