

## Never on Sunday Back-Pay Class Certified

In *Jones v. United States*, the Plaintiffs sought to certify a class of all part-time federal employees who had not been paid premium pay for regularly scheduled work performed on Sunday. The Government opposed class certification, arguing that an individualized approach was necessary to determine damages, making class action certification inappropriate.

The court rejected the Government's argument, however, holding that the Plaintiffs had met the criteria necessary to support class certification. The court, for instance, concluded that the proposed class was sufficiently numerous to justify certification of a class and that the named plaintiffs and class counsel would adequately represent the proposed class. But the Court declined to include all federal employees from all agencies, explaining that this broad class definition would apply to all part-time federal employees regardless of the department that employed them and what law or regulation governed the employee's premium pay.

So the court granted the motion to certify the class to include only employees of the Department of Veterans Affairs who had performed regularly scheduled work on Sundays:

All part-time employees of the Department of Veterans Affairs who were or are employed on or after October 14, 2005, who have not been paid Sunday premium pay at a rate equal to twenty-five percent of his or her hourly rate of basic pay pursuant to 5 U.S.C. § 5544(a) or 5 U.S.C. § 5546(a) for periods of performed work on or after October 14, 2005, during a regularly scheduled period of service of up to 8 hours, which was not overtime work as defined by 5 U.S.C. § 5542(a), a part of which was performed on Sunday.

The full opinion can be read [here](#).