

Business Case Study – Wage & Hour Matters

The Recent Deluge of Wage & Hour Litigation: BIA’s Fast, Expert Services Helps National Retail Chain Reach Favorable Settlement Without Prolonged and Expensive Discovery Process

Scenario

A national retail chain client faced a wage & hour class action lawsuit related to unpaid overtime and missed meal and rest periods. BIA Advisors worked closely with the client and its outside counsel to analyze the allegations, the facts and the data – resulting in a settlement on favorable terms for our client – without the expense of prolonged discovery and eventual trial.

BIA Project Scoping and Planning

BIA worked with our client’s in-house counsel, outside counsel, human resource representatives and IT representatives to A) identify systems that stored potentially relevant information, such as time and attendance data and other human resource management records, and B) develop a plan to collect data from these systems with minimal impact on the day-to-day functions of the systems, as well as minimizing any disturbance to employees who rely on and interact with the impacted systems on a daily basis.

BIA Involvement

Data Collection: Along with our client’s IT representatives, BIA certified Data Forensic & Collection technicians created an agreed upon Data Collection Protocol and collected our client’s time and attendance data from over 200 locations as well as data maintained in the identified human resources management systems for approximately 40,000 employees. BIA collected the data in a forensically sound manner – maintaining all chain-of-custody documentation and taking the necessary security and encryption measures to ensure a secure data transfer.

Secure Data Preservation: Following the data collection, BIA preserved the collected data in a dedicated database on a fully secured independent network that is not connected to the internet or any third party network. BIA has developed Standard Operating Procedures for data stored in its secure data repository that meet or exceed industry standards for storage, transfer, physical handling, backup and restore, and security monitoring.

Database Construction & Advanced Data Analytics: Following the data collection from various sources, BIA created a single “master” database in which BIA could apply advanced data analytics across the entire data set. These advanced data analytics were used to identify and develop information requested throughout the discovery period, as well as in preparation for mediation and eventual settlement.

BIA Findings

Early Case Assessment/Potential Liability & Damages Calculation

Through the creation of a master database of potentially relevant data, as well as BIA’s close collaboration with in-house and outside counsel early in the matter, BIA quickly created and executed numerous queries to assess the potential for an adverse legal finding, as well as the potential damages exposure for any unpaid overtime or missed meals and rest periods.

Outcome

Timely, Cost-Effective and Favorable Resolution

Armed with a full understanding of the data and the facts, BIA’s client was able to approach mediation well informed and well protected. The matter settled on favorable terms for our client – which allowed our client to avoid a prolonged and expensive discovery period.