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# Judge certifies class in North Memorial EMT wage case

Laura Brown // June 24, 2025 // 3 Minute Read

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### In Brief

- EMTs allege unpaid wages and overtime by North Memorial Health Care.
- Class certified for state law claims; FLSA decertification denied.
- On-call shifts paid \$4/hour despite strict availability rules.
- About 230 EMTs may be eligible for unpaid wages and damages.

Emergency Medical Technicians allege that North Memorial Health Care violated the federal Fair Labor Standards Act and Minnesota law by failing to pay minimum wages and overtime compensation to which they are entitled. A Minnesota federal judge has certified a class for the state law claims and denied the company's motion to decertify the **FLSA claims**.

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North Memorial provides ambulance services in eight regions across Minnesota as well as western Wisconsin. It also operates 27 specialty and primary care clinics, two hospitals, and home care services.

Named plaintiff Jason Johnson worked as an EMT for North Memorial Health Care as part of an ambulance crew doing medical transport and patient care. North Memorial EMTs such as Johnson were required to work three 24-hour shifts per week. Twelve hours of each shift were "primary" hours, while the other 12 were characterized as "on-call." The primary shift was on the premises, while the on-call shift was off-premises. During primary hours, EMTs were paid at their regular rate. This ranged from \$27-\$30 per hour.

When on-call, however, EMTs were required to respond to calls within eight minutes, meaning they had to be in the ambulance, dressed, and en route. Because of this, Johnson and most other EMTs simply stayed at the station during the on-call, off-premises hours, sleeping at the station instead. On-call workers were also not allowed to consume alcohol or participate in other personal activities.

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If they responded to a call during their on-call hours, they were paid as though they were working at primary hours. They were also guaranteed a minimum of two hours of primary pay for all calls, regardless of the length of the call. Otherwise, during on-call hours, EMTs were paid \$4.00 per hour, according to the suit.

Under the FLSA and Minnesota law, employers must have one-and-a-half times the regular rate of pay for hours worked in excess of a certain amount. That amount is 40 hours for the FLSA, and 48 under Minnesota law. Minimum wage in Minnesota is \$11.13, though it was \$10 and change from 2020-2022.

In the lawsuit, originally filed two years ago, Johnson argues that the on-call time should have been paid as working time. He claims that the restrictive conditions they were under during on-call time prevented them from using that time for personal purposes. Additionally, Johnson claims that he was entitled to the statutory minimum wage.

In April 2022, North Memorial sent an email stating that it would change its on-call hourly rate to the then minimum wage of \$10.33 per hour. Additionally, it indicated that it would factor the off-premises hours into the weekly total hours when determining overtime.

However, Johnson and others are seeking **unpaid overtime** and minimum wages.

"North Memorial appears to have fixed their practice of not properly paying EMTs/paramedics for their on-call hours worked beginning April 2022, but has not yet remedied the years of unpaid wages due to Plaintiff and others in a similar position prior to their change in practice," stated Reena Desai, partner at Nichols Kaster. "We look forward to recovering these unpaid wages."

In the most recent update to the litigation, a Minnesota federal district court has granted **class certification** for a Minnesota class of state law claims. The class for Minnesota claims includes "[a]ll persons who have worked as a Paramedic or Emergency Medical Technician for North Memorial Health Care in Minnesota at any time between June 13, 2020, and April 24, 2022, and were subject to North Memorial's policy of paying on-call (or off-premises) hours at a subminimum wage rate and omitting hours worked for purposes of calculating overtime compensation." Those state law claims include minimum wage, unpaid wages, and overtime. This proposed class will consist of about 230 people.

Additionally, in the June 20 order, U.S. District Court Chief Judge Patrick Schiltz denied the defendants' motion to decertify the FLSA collective action, which was conditionally certified by Magistrate Judge Leo Brisbois after roughly 120 employees joined. The order declined to find what it characterized as "relatively minor factual variances" among plaintiffs to preclude collective treatment.

While a jury trial has been demanded, the court did not agree with defendants that all 120 plaintiffs would need to testify, surmising that the parties could find a smaller number of representative witnesses.

"This further serves the purpose of efficiency, as holding over 100 separate, largely duplicative trials would needlessly consume judicial resources," wrote Schiltz.

In an email to Minnesota Lawyer on June 23, Desai wrote, "This case is about ensuring that hardworking paramedics and EMTs are paid fairly for the critical services they provided. ... The court's decision to certify the Minnesota class and uphold the FLSA collective confirms that these workers deserve to pursue their claims together."

Minnesota Lawyer also reached out to North Memorial.

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