

Phone-Sex Worker Hits Employer With OT, Wage Claims

By Dave Simpson

A phone-sex worker filed a collective action against her employer Tele Pay USA in California federal court Tuesday, claiming the company has violated the Fair Labor Standards Act by paying her less than minimum wage, no overtime and shorting her for “off-the-clock” work.

At best, the suit claims, women who talk for Tele Pay, like lead plaintiff Anne Cannon, make \$6 per hour. If their average call times drop below six minutes, their hourly rate drops to \$4.20 per hour, the suit claims. Meanwhile, the suit claims, Tele Pay is making \$5 per minute.

“Plaintiff’s average hourly rate is below \$6.00,” the suit says. “The minimum wage in the state of Florida, the state in which she works, is \$8.10 per hour. Anywhere in the nation, the average amount received by Ms. Cannon is far below the allowed national and state minimum wage.”

While Tele Pay describes itself as a “booking agent” negotiating engagements on behalf of

“[Anne] Cannon is represented by Brian H. Mahany of The Mahany Law Firm, John Bruster “Bruse” Lloyd of Jones Gillaspia & Lloyd LLP and Joseph Tully of Tully & Weiss.”

“actors” who are looking to provide “entertainment services,” this is not the reality, the suit claims.

Cannon is an employee of Tele Pay who was hired to field calls and keep callers on the line through sexually explicit talk for a fee that goes directly from the caller to Tele Pay, the suit claims.

“She is required by Tele Pay to stay in her home within reach of her personal computer and land-line telephone for certain periods of time so that she is available to field calls from Tele Pay’s customers,” the suit claims.

Cannon is paid less if she can’t keep her call times up, the suit claims. A guy named “Don” regularly gives pointers on how to keep their averages up, cajoling them “over and over with the telephone sex talk mantra,” the suit claims.

“Remember,” says “Don,” according to the suit, “it’s not how many calls you take, but how long you keep these guys on

the phone!”

But often, the suit says, Cannon’s ability to keep the callers on the phone is beyond her control: Prank calls, dropped calls or calls plagued by technical errors still count toward her average call times, even if they last only seconds, the suit claims.

It is also impossible for Cannon to know that she’s being fairly compensated, the suit claims, because she doesn’t see the hours she’s logged or the average call time until the next day — and even that is an “estimate.” The suit claims her actual call times are calculated every Sunday.

She has often been asked to work in excess of 40 hours a week, without being compensated for overtime, the suit claims.

The collective action will include all Tele Pay phone-sex workers with similar wage claims dating back three years from Tuesday’s filing, the suit says.

Cannon is seeking an undetermined amount of back wages to make up for the alleged violations, post-judgment interest, and coverage of attorneys’ fees.

Tele Pay did not respond to a request for comment Wednesday.

Tele Pay’s counsel was not

immediately known Wednesday.

Cannon is represented by Brian H. Mahany of The Mahany Law Firm, John Bruster “Bruse” Lloyd of Jones Gillaspia & Lloyd LLP and Joseph Tully of Tully & Weiss.

The case is Cannon et al. v. Tele Pay USA, case number 2:17-cv-04740, in the U.S. District Court for the Central District of California. ■