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### Workers eligible for settlement cut

*Carla Bova*

Current and former hourly employees of Building Care Systems of Novato who may be eligible for a share of a \$156,000 settlement have until Nov. 3 to file a claim. The settlement, tentatively approved by Marin County Superior Court Judge Vernon Smith, stems from a case alleging the underpayment of overtime wages to employees.

Legal Aid of Marin Executive Director Paul Cohen was hired as claim administrator to locate former and current employees who worked for Building Care Systems any time from Oct. 14, 2001, through May 31, 2006.

"We were given names and last-known addresses by BCS to work from and get the word out about the case," Cohen said. "So far there are about 200 current and former employees who have been identified with addresses and there could be 100 to 150 others identified by name but no address."

Cohen has mailed 200 claim packets to those with addresses.

"People who respond first are the first in line to get reimbursed," Cohen said.

Cohen said the majority of employees were in the custodial department doing janitorial work. Some did special projects and a few were in administration, eligible because they were hourly employees.

A lawsuit was filed in October 2005 against Peck Sosa Inc., which does business as Building Care Systems, on behalf of employees Mario Escobar and Regino Padilla, who worked as janitors for the company.

The men, represented by attorney Mark Talamantes, alleged that employees were "not receiving overtime pay in some instances, were deprived of meal and rest breaks and, on rare occasions, worked off the clock."

Building Care Systems denied the allegations, and an attorney for the firm had nothing to add to a statement issued by all parties.

"It became class action, then it quickly went toward settlement," Cohen said.

The settlement provides that Building Care Systems pay \$156,000 and the company agreed to conduct staff training to ensure compliance with wage and hour laws requiring employees to have rest breaks, meal breaks and be paid overtime.

"We are satisfied that BCS is making a serious attempt with this settlement to compensate the janitors for wage and hour violations that we believe occurred there," Talamantes said in a statement issued by the parties.

The settlement includes \$15,000 to locate eligible employees and \$28,000 in attorney fees and costs.

Workers may call Legal Aid of Marin at 492-0230 to request a claim packet and more information.

Read more Novato stories at the IJ's Novato page.

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