

La Esperanza Markets accused of not paying workers overtime

BY TOM RAGAN

SENTINEL STAFF WRITER

WATSONVILLE — Two Watsonville residents are leading the charge in a class-action lawsuit that accuses La Esperanza Markets of failing to pay dozens of former and current employees hundreds of hours in overtime.

They're also alleging that the owners of the chain of stores, Javier and Emilia Vazquez, rarely granted workers their 10-minute and 30-minute lunch breaks, a requirement under California law.

The La Esperanza Markets are a chain of a dozen grocery stores that cater heavily to the Latino consumer with locations in San Jose, Salinas, Santa Cruz and Watsonville.

The suit was filed on behalf of Watsonville residents Guillermo Mendez and Jose Contreras Moreno, who worked at the Watsonville stores on Main Street.

The suit was filed in Santa Cruz County Superior Court in early January.

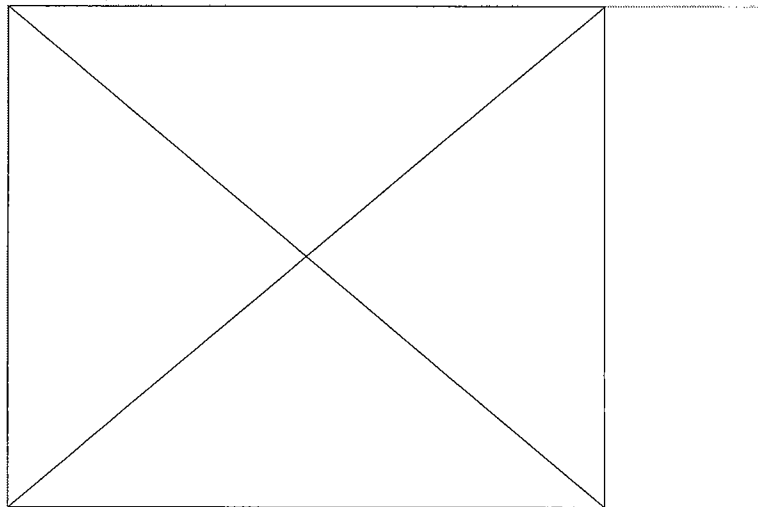
Carina Vazquez, daughter of the store's owner, declined to comment on the lawsuit, and referred all questions to the store's attorney, who could not be reached to comment late Friday.

Mark Telamantes, a San Francisco attorney who recently settled a similar class-action lawsuit involving nearly 100 employees with the Super Taqueria chain, said Contreras and Mendez approached the Watsonville Law Center with their complaints late last year.

Dori Rose Inda, the founder of the center, listened intently to their grievances.

"We are proud of them for having the courage to demand to be properly paid for their hard work," she said. "It's important that all employees are provided adequate rest and meal breaks. Employers who fail to provide breaks must pay the employees one hour of additional wages for each break missed."

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Inda called Telamantes, who has a track record with such lawsuits.

"Our goal is to make an impact in the area so that employees are paid properly," said Telamantes, who in January settled for \$315,000 with Super Taqueria on behalf of several workers at Watsonville's store on Main Street. "If you work, you should get paid for every hour you work. It's the law."

A Super Taqueria employees confirmed that the lawsuit did take place, but could not give more information. The store's manager could not be reached to comment.

According to Telamantes, Mendez worked as a janitor, a butcher and a stocker at La Esperanza Markets from May 2000 to October 2003. Contreras worked in the same capacity from June 2003 to August 2004. Both claim they worked 10-hour days for six days a week, but were never paid for the overtime.

Telamantes said he's waiting for La Esperanza Markets to file a response in Santa Cruz County Superior Court, and that an auditor probably will be hired at some point to check the grocery chain's books.

According to California's Unfair Business Practices statute, plaintiffs can sue businesses that engage in unfair business practices to gain an advantage over their competition.

California's wage and hour laws require hourly workers to be paid 1 1/2 times their normal rate of pay for any hours worked in excess of eight in a day, or in excess of 40 in a week.

They require payment at double the normal rate for hours worked in excess of 12 in a day, and they require employers to provide meal and rest breaks during the work day.

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