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La Esperanza market may settle lawsuit for unpaid overtime

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Hundreds of workers in a supermarket chain could soon get compensated for overtime they worked without extra pay.

A tentative agreement has been reached in a class action lawsuit that accused La Esperanza Mercado Carniceria of failing to pay employees for overtime.

If the settlement is finalized this summer as expected, market owners Javier and Emilia Vazquez would pay \$610,000. It would go to former and current employees of the markets and cover the cost of their legal fees.

As many as 563 workers in the chain, which has stores in Watsonville, Santa Cruz, Salinas, San Jose and Soledad, may be eligible, said Dori Rose Inda, director of the Watsonville Law Center.

"La Esperanza has finally stepped up to the plate and is now making a serious effort to compensate workers for all the wages-and-hour violations that occurred while they were employed at the markets," she said in a written statement.

A call to the San Francisco office of the Vasquez's attorney, Patricia Murphy, was not returned.

But Rose Inda said the couple would not admit to any wrongdoing as part of the settlement.

The lawsuit against the owners of La Esperanza was filed last year by the law center and San Francisco attorney Mark Talamantes on behalf of two Watsonville residents.

Jose Contreras Moreno and Guillermo Melendez worked as butchers, stockers and janitors at the at the store on Main Street. Both men claimed they worked 10-hour days, six days a week, but never received overtime pay. Moreno was employed there from June 2003 to August 2004 and Melendez from May 2000 to October 2003.

Rose Inda said as part of the settlement La Esperanza also will agree to comply with a permanent court injunction that holds the markets and its owners accountable if they violate the laws that protect workers in California.

"You do have to comply with the law and when you are not complying with the law you're making an unjust profit on the backs of your employees," said Rose Inda.

The workers of La Esperanza eligible to take part in the settlement were employed with the market from Jan. 9, 2002, to March 27 of this year, according to Rose Inda.

All parties are expected to return to court on August 23 when the settlement could be finalized. Notice is being sent to workers, who have the right to contest the settlement.

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