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IHOP WORKERS GET \$250,000 SETTLEMENT EMPLOYEES CLAIM OT WASN'T PAID

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Employees of six North Bay International House of Pancakes restaurants will divide \$250,000 won in a settlement with their employer concerning an overtime pay dispute, according to court documents.

The employees' attorney Monday said that three cooks and two waitresses stepped up to sue the primarily Sonoma County restaurants, claiming company officials cheated them and others of overtime pay for four years.

The case, which became a class action lawsuit, gained preliminary settlement approval Friday from Sonoma County Superior Court Judge Laurence K. Sawyer. It still requires formal approval before becoming official.

An attorney for the restaurant owners, the Wong family of Sonoma County, said that the suit was without merit, but owners agreed to settle it to avoid higher costs of future litigation.

Wong family attorney Peter Simon said the suit was filed by disgruntled employees and that the claim settlement doesn't prove any of the allegations.

The five original claimants will receive from \$2,000 to \$4,500 each for participating in the suit. Two have already received back overtime pay from the company; three will receive a piece of the settlement for owed overtime wages, said attorney Mark Talamantes.

The remaining money could be divided between as many as 1,300 employees and former restaurant employees.

Talamantes said it is more likely that the final number of employees splitting the money will be between 200 and 400.

The Wong family, including father Stanley Wong and sons, Steven, Brian and Randall Wong, own six IHOP franchises, three in Santa Rosa, one in Petaluma, Rohnert Park, Vallejo and Novato. Three of the plaintiffs worked at the Novato restaurant, said Talamantes.

"They convinced workers to agree to work more hours without overtime," said Talamantes. In some cases, employees were paid for their eight-hour shift and then paid for additional hours under a different name, the suit alleged.

The suit was originally brought by two cooks, Luis Rosas and Saul Lemus in 1997. The other three joined in 1998 and the suit was filed in April 1998.

"Immigrant workers are the most vulnerable to labor exploitation due to their lack of familiarity with the California labor laws," said Talamantes.

As well as agreeing to pay money, the settlement calls for the restaurants to follow state labor laws, including regulations involving overtime pay, and will allow the employee attorneys to inspect payroll records, court documents stated.

Former waitress Susan Larrew of Santa Rosa was one of two waitresses involved in the suit. She said that for at least three months in 1997 she was denied overtime pay while working at the Santa Rosa restaurant on Fourth Street and Farmers Lane.

``The problem was that I was working at Farmers and I'd finish an eight-hour shift there and drive to Petaluma (restaurant) to work another four to six hours for straight time," at the request of restaurant managers, she said.

Larrew said she was asked by restaurant management to sign a form saying that if she worked overtime she didn't want overtime pay. She signed the form, she said, because it seemed easier to do than find another job.

``I wanted to work extra hours," she said. ``I was raising my granddaughter. I needed all the hours I could get."

Employer's insurance will not be used for the settlement funds, causing the restaurant owners to pay the money out-of-pocket, Talamantes said.

Talamantes has 60 days to find the employees so that they can receive their piece of the settlement. The money will be divided up based on how long the employees worked at the restaurants and will be paid out over 18 months, he said.

Payment of attorney's fees has not been settled. The settlement claim says that the money will not come from the settlement fund.

Employees or former employees can contact Talamantes at Brooke Oliver & Associates, (415) 641-1116.

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