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Workers sue Local 7, say overtime not paid

By John Accola, Rocky Mountain News

April 9, 2005

Just weeks after negotiating a hard-fought contract for Colorado grocery workers, a labor union was sued Friday for allegedly shorting its union representatives on overtime pay.

Fourteen current and former workers are listed as plaintiffs in the suit against United Food and Commercial Workers Union -Local 7.

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Plaintiff attorney Todd McNamara said a series of unproductive discussions with union management forced his clients to take their case to court. "We don't get it. You are out there trying to organize Wal-Mart workers (to unionize), yet you aren't paying your own employees what they are lawfully entitled to."

The complaint, filed in Denver federal court, alleges union organizers, trainees and other Local 7 representatives were required to work up to 70 hours a week without overtime pay.

Local 7 spokesman Dave Minshall acknowledged a rift involving overtime compensation but said the Wheat Ridge-based labor union had yet to receive a copy of the suit.

"We want to work it out in a way that is fair to our employees, and we will work it out," he said, declining further comment.

The suit states that instead of hiring additional staff, the union deliberately misclassified employees as exempt from state and federal overtime rules. In Colorado, employers are required to pay most nonmanagement workers 1 1/2 times the regular rate for all hours worked in excess of a 40-hour week.

The suit notes Local 7 has its own in-house legal department that is well-versed in labor laws and that the union's president, Ernie Duran, also is an attorney.

"Because a climate of fear and retaliation exists at UFCE Local 7, present employees are hesitant to pursue their legitimate claims for overtime," the complaint said.

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McNamara said the overtime violations date to at least 2002 and potentially involve scores of other people hired by the union.

With the exception of two people from Georgia and Washington, the named plaintiffs were drafted by Local 7 from Colorado grocery stores to work on the union's membership drives, investigate grievances, assist in union campaigns and even attend collective bargaining sessions, the complaint said.

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