

## Unclaimed Crowne Plaza Hotel settlement checks to be donated

By Clarence Fanto, Special to The Eagle Berkshire Eagle

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PITTSFIELD -- Unclaimed settlement checks sent out to former employees of the Crowne Plaza Hotel will be donated to a good cause, according to their attorney.

Attorney Paul Holtzman of Boston, who represented the hotel employees in a class action lawsuit that was settled in 2012, said several recipients of the \$1.3 million wage settlement have apparently either moved out of the country or failed to cash their checks.

Instead of returning the unclaimed funds to the Crowne Plaza, Holtzman's firm, Krokidas and Bluestein, received approval in Berkshire Superior Court to forward \$15,700 to the non-profit Pittsfield-based Community Legal Aid. The funds will help support free legal services for low-income and elderly individuals and families in western Massachusetts.

The lawsuit was first filed in Superior Court in November 2009, on behalf of hotel employees who served customers at banquets between November 2006 and June 2010. The settlement reimbursed employees for tips that had not been passed onto them by management.

The settlement went into effect last May. Most of the workers affected by the settlement received their checks in October. Many long-time employees received as much as \$10,000, Holtzman said.

"There's no question that the hotel's actions were in violation of the law and the resulting payments to these employees had a significant impact," Holtzman said. "More importantly, we raised awareness that not following wage laws will not be tolerated in Massachusetts."

Jonathan Mannina, the executive director of Community Legal Services, said the settlement is a "significant victory" for low wage workers, and provides an important reminder to employers about the consequences of failing to comply with the wage laws.

"CLA is proud to be associated in a small way with this important case," he said, "and the funds will allow CLA to provide desperately needed legal services to low-income people."

Under state law, service staff at hotels, resorts, spas, country clubs and catering companies are required to receive all service charges and gratuities collected by their employer, Holtzman emphasized.

"The practice of failing to pay the workers the funds they are owed appears to be widespread," he said. "We continue to hear from workers with concerns about whether they are getting the tips and service charges for which they work so hard.

"It is a privilege to be able to assist them in addressing this wage theft."

Holtzman told The Eagle that he expects to announce the results of another case against an area defendant in the near future.

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