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Deseret Chemical Depot

Workers to get \$4.2M for owed overtime pay

Employees argued they should have been on clock for tasks a judge ruled are integral to job

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U.S. District Judge Dee Benson on Thursday gave final approval to a settlement that will pay approximately \$4.2 million to workers at the Deseret Chemical Depot who claimed they were cheated out of overtime pay.

The employees contended they should have been on the clock for tasks such as picking up antidotes for nerve gas at the beginning of a shift.

The deal covers EG&G Defense Materials Inc. employees who worked any time on or after May 24, 2000, at the Tooele Chemical Agent Disposal Facility, which is located on the depot. About 300 of the 500 eligible workers have opted in to the settlement, according to Jesse Brar, one of their attorneys.

EG&G is a contractor to the U.S. Army and has about 750 employees at the facility about 40 miles southwest of Salt Lake City. Under an international treaty, these workers are destroying the nation's stockpile of chemical weapons.

Some workers filed a class-action lawsuit in 2004, alleging they should be paid for the time spent waiting to clear security stations; putting on protective gear; and picking up kits that contain masks and nerve-agent antidotes.

Lawyers for EG&G responded that the law exempts from pay those activities that are preliminary to an employee's principal activity, including the walk to their workstation. They also said picking up the mask kits takes only a few seconds to a few minutes.

Benson rejected that argument and ruled last year that picking up the kit is "integral and indispensable" to the employees' work. He noted that each worker is fitted with a personalized mask and required to carry a kit at all times.

After negotiations, the two sides agreed to the settlement. EG&G denies any liability but said continued litigation would be expensive and contrary to its best interests.

Of the total settlement, \$425,000 has been designated for attorneys' fees and costs. Most of the remainder will be given in cash payments to eligible workers and \$100,000 will be used for matching contributions to a 401(k) plan.

Still to be resolved in this case and a similar lawsuit against Battelle Memorial Institute, an EG&G subcontractor, is a claim that the companies failed to pay monitoring technicians overtime for work performed during meal breaks.

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