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FOR IMMEDIATE RELEASE

## **IMMIGRANT HOME CARE WORKERS SUE AGENCIES FOR WAGE THEFT**

### ***Hundreds of Workers Are Entitled to Back Wages***

NEW YORK, NY, MARCH 4, 2013—In a lawsuit filed today in New York County Supreme Court, employees of BNV Home Care Agency, Inc. allege that the agency stole hundreds of thousands of dollars from them and systematically violated New York State labor laws. MFY Legal Services, Inc., a non-profit legal services provider, and the law firm Abbey Spanier LLP, are representing the workers. In January 2013, workers also represented by MFY and Abbey Spanier filed a class action lawsuit against First Care of New York, Inc. and Academy Care Givers Inc. in Westchester County Supreme Court, similarly alleging failure to pay overtime, spread of hours pay, and to provide the required records of workers' wages. These employees claim that although they often worked 60- and 70-hour weeks providing vital home care for sick and elderly clients, the agencies never paid overtime.

"Home care workers are a vital part of the city's health care system and make it possible for elderly and disabled New Yorkers to live with dignity in their own homes," said Anamaria Segura, an attorney at MFY Legal Services. "We are determined to challenge home care agencies that do not play by the rules and who steal these workers' hard-earned wages."

Gendri Castillo, one of the plaintiffs in the case, said: "The agencies always paid the same hourly rate, even when workers stayed with a client for 70 or 80 hours a week. We never received overtime pay, or the extra pay we were supposed to get for working 10 hours or more a day."

In addition to claims for unpaid overtime wages that go back to 2005, the class action lawsuits also charge that BNV and Academy failed to pay spread-of-hours payments and did not provide employees with the required records of their wages. The companies operate throughout the city. The lawsuits could potentially benefit a large number of past and present employees, most of whom are women and many of whom are immigrants.

A similar lawsuit for home health care workers at McMillan's Home Care Agency resulted in a June 2012 settlement of \$1.1 million in unpaid wages for close to 1,000 workers who had not been properly paid.

MFY Legal Services provides free legal assistance to low-wage workers and also assists New Yorkers in the areas of housing, public benefits, foreclosure, consumer, civil and disability rights, and family law.

Abbey Spanier LLP specializes in securities fraud, consumer fraud, unfair employment practices, mergers and acquisitions, antitrust and class action litigation.