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Mondelez Settles With Sales Reps In OT Suit

By **Amanda Ottaway**

Law360 (September 4, 2020, 2:00 PM EDT) -- Snack giant Mondelez Global LLC has settled a proposed class action brought by sales representatives who said the company failed to pay them for overtime they spent working from home and taking client calls on weekends.

A Florida magistrate judge approved the confidential deal Thursday, putting an end to nearly six months of litigation stemming from merchandisers' claims that Mondelez violated the Fair Labor Standards Act when it failed to pay them overtime for administrative work they performed at home and on weekends.

"The court finds that the settlement agreement is a fair and reasonable resolution of a bona fide FLSA dispute," U.S. Magistrate Judge Alicia O. Valle said in her order approving the agreement and dismissing the case with prejudice.

The parties notified the court on July 22 that they had reached a settlement, according to court filings. In their joint motion for approval of the settlement filed Sept. 1, the parties noted that Mondelez disputes the claims and maintains it properly paid the plaintiffs for their overtime work.

Lead plaintiff Glenn Benzion said in his **proposed class action complaint** that he and other merchandisers drove to four or five grocery stores per day to check on the quality and inventory of the company's snacks there, as well as build and photograph store displays.

They were allegedly told to clock in once they arrived at the first grocery store and clock out when they finished at the last. Benzion said the company paid him through a system that used GPS to track his work times and locations, but did not include all the administrative work they also had to handle from home.

That work included assignments from their supervisors as well as remaining available for client calls on weekends. The company only paid them for two and a half hours per week of such tasks, Benzion said. The merchandisers said they each worked at least four hours a week of overtime for which they were not paid.

The workers moved in April for conditional certification of their class, which the parties acknowledged would have made the case longer and more expensive. The two sides disagreed on whether the workers reported all their hours and whether Mondelez "acted in good faith," among other issues, they said in their joint motion.

Mondelez provides snack products in more than 150 countries, according to the suit.

Counsel for both sides declined to comment Friday. Corporate representatives for Mondelez did not immediately respond to requests for comment.

The workers are represented by Jordan Lee Richards and Melissa Jane Scott of Jordan Richards PLLC and Joshua Harris Eggnatz and Michael James Pascucci of Eggnatz Pascucci PA.

Mondelez is represented by Paul F. Penichet and Naveen Paul of Jackson Lewis PC.

The case is Benzion et al v. Mondelez Global LLC, case number 0:20-cv-60508, in U.S. District Court

for the Southern District of Florida.

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