

COURT AUTHORIZED NOTICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**If you were employed by Nassau County
and were a member of the CSEA bargaining unit
between February 15, 2016 and the present,
please read this notice.**

A collective action lawsuit may affect your legal rights.

This is a court authorized notice. This is not a solicitation from a lawyer.

- Employees of Nassau County that are members of the CSEA bargaining unit have filed a lawsuit against Nassau County, claiming that Nassau County did not include certain non-discretionary payments when calculating their overtime rate of pay as required by law.
- The lawsuit is proceeding as a collective action on behalf of Nassau County employees that are or were members of the CSEA bargaining unit at any time since February 15, 2016 and the present.
- The Court has not decided who is right and who is wrong. Your legal rights may be affected, and you have a choice to make now.
- Your options are explained in this notice. To ask to be included in this lawsuit, you must act before 60 days from the date this notice is sent out.
- If money or benefits are obtained from Nassau County, and you choose to be included in the case, you will be notified about how to ask for a share.

This notice contains information that affects your rights. Please read it carefully.

1. Why did I get this notice?

You are getting this notice because Nassau County's records show that you currently or previously worked for Nassau County and were or are a member of the CSEA bargaining unit. A lawsuit has been brought against Nassau County claiming that employees that were members of the CSEA bargaining unit did not have longevity, hazardous duty pay or shift differential pay included in their overtime rate of pay. The Court is trying to determine which employees

wish to participate in the case. A trial may be necessary to decide whether the claims being made against Nassau County are correct. The Honorable Gary R. Brown, United States Magistrate Court Judge in the Eastern District of New York, is overseeing this collective action. The lawsuit is known as *Aliberti, et al. v. Nassau County*, 2:15-cv-07111 (GRB).

2. What is this lawsuit about?

This lawsuit is about whether Nassau County correctly calculated the overtime rate of pay for CSEA members employed by the County.

3. What is a collective action and who is involved?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that includes others who have similar claims. All CSEA bargaining unit members employed by Nassau County who decide to participate in the case are part of a "Collective" or "Collective Action Members." The employees who brought this lawsuit and all of the Collective Action Members are called the Plaintiffs. The public entity that they have sued, Nassau County, is called the Defendant. One Court resolves the issues for everyone who decides to join the case.

4. Why is this lawsuit a Collective Action?

The Court has conditionally authorized this case to proceed as a collective action under § 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). Specifically, the Court found that the Plaintiffs who filed this lawsuit may be "similarly situated" to other employees that are employed by Nassau County and are members of the CSEA bargaining unit.

5. What is Nassau County's position?

Nassau County maintains that their pay practices and policies, subject to the collective bargaining agreement with the CSEA, at all times lawfully compensated them for all the time they spent working. The County is represented by the law firm of Bee Ready Fishbein Hatter & Donovan, LLP, 170 Old Country Road, Suite 200, Mineola, NY 11501. The telephone number for the County's attorneys is (516) 746-5599.

6. Has the Court decided who is right?

The Court has not decided whether Nassau County or the Plaintiffs are correct. By establishing the Collective and issuing the Notice, the Court is not suggesting that the Plaintiffs will win or lose the case.

7. What are the Plaintiffs asking for?

Plaintiffs are seeking to change Nassau County's pay practices and to recover unpaid overtime wages. Plaintiffs are also seeking recovery of attorneys' fees and costs.

8. Can I join this lawsuit?

To be eligible to join this lawsuit, you must have been employed by Nassau County at any time since February 15, 2016, have been a member of the CSEA bargaining unit, received longevity, hazardous duty pay, or shift differential and be non-exempt from the FLSA.

9. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case, at the phone number or address listed below.

10. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment or settlement rendered in this case, whether favorable or unfavorable. You also will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. You should be aware that your federal wage and hour claims are limited by a two- or three-year statute of limitations, and delay in joining this action, or proceeding separately, may result in some or all of your claims expiring as a matter of law. If you proceed separately, you may also have to pay your own lawyer.

11. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or judgment favorable to the Collective. By joining this lawsuit, you designate the named Plaintiffs as your representatives, and to the fullest extent possible, to make decisions on your behalf concerning the case, the method and manner of conducting the case, the entering of an agreement with Plaintiffs' counsel regarding payment of attorneys' fees and court costs, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit. While this suit is pending, you may be asked to provide documents or information relating to your employment, or otherwise participate in written and/or oral discovery proceedings and/or in a trial of this matter.

12. Can Nassau County and/or my current employer retaliate against me if I join the lawsuit?

It is a violation of federal law for Nassau County or any of its related entities to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case. If you believe that you have been penalized, discriminated against, or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit, or actually joining this lawsuit, you may contact Plaintiffs' lawyers or any other lawyers of your choosing.

13. How do I ask the Court to include me in the case?

Enclosed is a form called "Consent to Join." If you choose to join this lawsuit, it is extremely important that you read, sign and promptly return the Consent to Join Form. An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Nassau County Lawsuit
CSEA
PO Box 11779
Loudonville, N.Y. 12211-9979

The form must be sent to the Plaintiff's counsel in sufficient time to have Plaintiff's counsel file it with the federal court within 60 days from the date of mailing of this Notice. If you fail to return the "Consent to Become Party Plaintiff" form to the Plaintiff's counsel in time for it to be filed with the federal court on or before 60 days from the date of the mailing of this Notice, you may not be able to participate in this lawsuit.

14. Do I have a lawyer in this Case?

If you choose to join this lawsuit you will be represented by Daren J. Rylewicz, General Counsel of CSEA (Eric E. Wilke and Aaron E. Kaplan, of counsel), 143 Washington Avenue, Albany, New York 12210. The telephone number for the Plaintiffs' attorneys is 1-800-342-4146, Ext. 1443.

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. But if you want your own lawyer, you may have to pay that lawyer and will have to file your own separate lawsuit.

16. How will the lawyers be paid?

The named Plaintiffs have entered into an agreement with Plaintiffs' counsel, which provides that if you do not win, there will be no attorneys' fees or costs chargeable to you. Under the fee agreement, in the event there is a settlement or recovery, Plaintiffs agree only to pay costs that have been advanced. In addition, if there is a settlement or recovery, Plaintiffs agree that Plaintiffs' counsel will apply to the Court for reasonable attorneys' fees and for allowable costs.

CONSENT TO JOIN FORM

Consent to sue under the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. §216(b)

1. If you are currently employed by Nassau County and a member of the CSEA bargaining unit:

From _____ [DATE] through the present date, I have been employed by Nassau County and am a member of the CSEA bargaining unit.

If you were formerly employed by Nassau County and a member of the CSEA bargaining unit:

From _____ [DATE] through _____ [DATE], I was employed by Nassau County and was a member of the CSEA bargaining unit.

2. During my above stated dates of employment, there were / have been occasions when I worked more than forty hours per workweek. During my above stated dates of employment I was entitled to and received non-discretionary payments in the form of longevity pay and/or shift differential pay and/or hazardous duty pay pursuant to the collective bargaining agreement between CSEA and Nassau County. Such non-discretionary payments pursuant to the collective bargaining agreement were not included when Nassau County calculated my overtime rate of pay.
3. I consent to join the FLSA collective action titled *Aliberti, et al. v. Nassau County*, 2:15-cv-07111 (GRB) to recover my unpaid overtime and all other damages as allowed by the FLSA.
4. I choose to be represented in this matter by the named plaintiffs and counsel, Daren J. Rylewicz, General Counsel of CSEA (Eric E. Wilke and Aaron E. Kaplan, of counsel), in this action.

Print Name: _____

Signature: _____

Date Signed: _____

Questions? Contact Eric Wilke or Aaron Kaplan at CSEA at 1-800-342-4146, Ext. 1443