

Failure to keep accurate records / Agree to Comply	1				
FLSA BW Totals:	285	\$136,460.53	285	\$136,460.53	
Total Violations Under FLSA:	286				\$0.00

FMLA

Violation / Compliance Status	Violations	BWs Computed	EEs ATP	BWs Agreed	CMPs*
No Violation found for this act / Compliance (no violations found)					
FMLA BW Totals:	0	\$0.00	0	\$0.00	

* CMPs computed do not necessarily indicate CMPs assessed.

Unduplicated Employees Found:	285	Unduplicated Employees Agreed:	285
Total Amount Computed:	\$136,460.53	Total Amount Agreed:	\$136,460.53

Conclusions & Recommendations:

EXEMPTION 5
 [Redacted] Section 3(s)(1)(A). [Redacted] alleged that the ER paid non-exempt ees a salary for all hours worked. No overtime was paid. Allegation substantiated. 285 ees due \$136,456.62 in Sect 7. bws for being paid a salary via fluctuating workweek. No OT pd for hours > 40. No time records kept for the ees. [Sec 11]. The enterprise ATC + ATP through their attr. Brian Farrington. Owner is David Bechall. Posters Eng + Spn, FMLA + FLSA HRG (Eng + Spn), 778, 516, 531, I-9 handbook, and Elaw. Rec. [Redacted]

EXEMPTION 5

WHI Signature: _____ Date: 01/21/2003

Reviewed By: _____ Date: _____

I. Coverage

Legal Name: Prestige Maintenance LLP [REDACTED]

Type: TX domestic partnership [REDACTED]

EIN: [REDACTED]

Main Office Address: 1701 Summit Avenue, Suite 4, Plano TX 75074 [REDACTED]

Main Office Telephone: (972) 578-9801 or (972) 495-9684 [REDACTED]

Branch Office Address: 630 Mendelesshon North, Golden Valley MN 55427 [REDACTED]

Branch Office Telephone: (763) 545-8017 [REDACTED]

Partners: Alex and Mana Dinverno (422 W. Muirfield, Garland TX 75044) [REDACTED]

Responsible Person: General Manager Mr. David Bechall [He is responsible for the day-to-day operations of the company. He was the person to first deal with me before the case was referred to their attorney Brian Farrington. He sets the general pay practices and authorizes changes to employee policy such as the use of time cards.] [REDACTED]

Representative: Mr. Brian Farrington, Attorney at Law
120 West 3rd Street, Suite 212 Fort Worth TX 76102
(817) 429-8011 Fax (817) 870-2044
Email: btffd@aol.com [REDACTED]

This enterprise performs cleaning and janitorial services to large commercial accounts. In the State of Minnesota, this entity cleans stores for Target (Target, SuperTarget, Meryns, and Marshall Fields) at least 22 locations. [REDACTED] The employees of Prestige Maintenance clean the bathrooms, mop the floors, strip wax, and clean the carpets. [REDACTED] Target regularly handles interstate transactions via credit card machines, and these transactions purchase goods that potentially have arrived from out-of-state before the final sale. The employees performing janitorial services perform closely related and directly essential work for Target. [FLSA Section 3(j)] Without clean and clear floors, customers would have difficulty making a purchase.

The enterprise itself handles interstate transmissions on at a least weekly basis from its branch office in Minnesota to its main office in Texas. [FLSA Sec. 3(b)] [REDACTED] Approximately 87 employees order on at least monthly basis cleaning supplies from the Texas main office which is shipped to the branch office in Minnesota. [REDACTED]

Additionally, the enterprise through its representative, Brian Farrington, agreed that the enterprise was covered under Section 3(s)(1)(A) of the Fair Labor Standards Act [FLSA] and made over \$ [REDACTED] a year in annual dollar volume of services rendered. [REDACTED]

Unduplicated Employees Found:	121	Unduplicated Employees Agreed:	121
Total Amount Computed:	\$44,808.40	Total Amount Agreed:	\$44,808.40

Conclusions & Recommendations:

FLSA 3(s)(1): *EX 215*
EX 215 **Sec 7: ER paid janitors Straight Salaries and No OT: ER did self audit, ATP \$11,262.13, ATC. This case is the part of the self audit for the rest of the country, primarily TX w/ 1 ee in ILL & 1 in MO. Atty Brian Farrington supervised the self audit, ER ATP \$44,808.40 ATC in future. No pubs provided. Rec active follow up.**

WHI Signature: _____ Date: 04/08/2004
Reviewed By: _____ Date: _____