

# Progress Illinois

## Suburban Bakery Workers Continue Fight For What is Owed

Aaron Krager Thursday January 19th, 2012, 6:33pm



Two weeks before Christmas the workers at Rolf's Patisserie in Lincolnwood, a suburb north of Chicago, received the devastating news of the bakery's closure. Today, they gathered to announce a small victory in the larger battle to obtain what they are legally owed.

Rolf's has reissued the workers' last paychecks along with vacation time many of them earned. The company also promised to pay bank and currency exchange fees accrued from the workers' final paychecks having initially bounced. It's a win in what will be a longer legal battle.

"It's a small fraction of what they legally owe us," said Deyanira Alvarez, a former customer service representative. "It's a good start, but it's just a start."

In a letter dated January 4, workers were formally informed of the closure, but it came 24 days after the owner, Lloyd Culbertson, wrote a three-sentence statement on the company's [web site](#):

*With deep regret Rolf's Patisserie, Inc. announces the closing of its business in Lincolnwood, IL, effective immediately. Due to sharply higher operating costs, the cost of financing an expansion project and the inability to operationally meet the seasonal demands of our customers, we have made this difficult decision. We thank you for your patronage and we apologize for any inconvenience.*

In response to the sudden closure, workers united together, with the assistance of Arise Chicago, to file a lawsuit against the company seeking their past pay and severance.

"We filed a class action lawsuit in U.S. District court seeking 60 days statutory penalty for failure to give the workers any warning, whatsoever, that the plant was closing," said Thomas Geoghegan, the lawyer for the employees of Rolf's, at the rally on January 9. "That what's provided by federal law through the WARN Act. [Also] the full amount of their bounced paychecks and the vacation pay that accrued to them at the time of the closing."

Angel Hernandez, an employee of the company for 10 years, cashed his final paycheck in December at a Currency Exchange. A month later and after numerous conversations with the Currency Exchange, he received a letter demanding payment for the bounced check and faces a penalty that could total three times the amount of his paycheck. According to

letters received by multiple former employees, the Currency Exchange cites Illinois statute [720 ILCS 5/17-1A](#), believing they deceived them. Even legal representation has not been able to dissuade the Currency Exchanges from that belief.

"I planned to retire there," said Hernandez, a father of four. "I was comfortable and it was convenient." Hernandez also said he has felt dreadful since the closing.

"We're only asking for what we're owed, but look at what we have to go through," said Karen Leyva, a Rolf's employee of six years. "No one should have to fight this hard just to make their boss follow the law."

Leyva also cashed her, now bounced, paycheck at a Currency Exchange, resulting in the same letter and threats received by her former co-worker. A pink paper accompanied the letter stating her delinquency had been turned into Experian, a credit reporting agency. Experian is one of the three major credit scoring agencies that banks and credit card companies rely upon to set interest rates.

"The biggest injustice [is] they did it in a hard economic climate," said Francelia Fernandez, a four-year employee. "My kids were stuck waiting for Christmas gifts."

Low wage workers tend to live paycheck to paycheck making the time between the job loss and the first unemployment check even more difficult.

"[I am] fortunate I have a husband and sister to help," said Fernandez. "That touched my heart the most. [I will] never forget that Rolf's left me with nothing for the season. We were there for them. We did our best possible job for them."

The lawsuit is still in preliminary stages and Culbertson has yet to come to the table, according to Arise Chicago. The two have a history together as Arise represented a former Rolf's employee, Jose Cabrera, during an OSHA complaint that resulted in a fine for the bakery. Cabrera also tried to speak up on the mishandling of vacation pay, but ultimately lost the fight and his job.

"They're not asking for anything more than what's rightfully owed to them," said Adam Kader, director of the worker's center at Arise Chicago. "That's what we believe is part of the WARN Act for 60 days of pay given they were not provided 60 days of notice."

Workers were told the plant would be closed on December 10 and 11 for a cleaning and would re-open on December 12. Culbertson asked for assistance from an employee to log him onto the web site on December 11, when he wrote the closing statement. Word quickly spread of the sudden closure of the business.

"We'd like to win this case to say even though we're poor, you can't commit these abuses," said Fernandez. "These people consider themselves very religious."

Culbertson, a former investment banker, serves as a member of a steering committee for Fourth Presbyterian Church, according to the church's website. A phone call to Culbertson's home was not immediately returned.

"I hope he never forgets that he left more than 100 people without a Christmas," said Fernandez.