

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JULIE A. SU, Acting Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

**GREEN MAINTENANCE SERVICES
INC.** an Illinois corporation; and **JAN
JAROSZ**, an individual

Defendants.

Civil Action No.: 1:24-cv-03094

Honorable Sunil R. Harjani

CONSENT JUDGMENT AND ORDER

Plaintiff, Julie A. Su, Acting Secretary of Labor, United States Department of Labor, has filed a complaint under the Fair Labor Standards Act of 1938 as amended (29 U.S.C. § 201 *et seq.*) (“FLSA”), and Defendants Green Maintenance Services, Inc. (“Green Maintenance”) and Jan Jarosz (“Jarosz”), an individual, (collectively “Defendants”) have appeared by counsel, waive any defenses which they may have, and agree to the entry of this Consent Judgment and Order (“Consent Judgment”) without contest.

Defendants admit and the Court finds Defendants are engaged in related activities performed through unified operation or common control for a common business purpose and are an “enterprise” under 29 U.S.C. § 203(r) of the FLSA.

Defendants admit and the Court finds Defendants are an enterprise engaged in commerce or in the production of goods for commerce within the meaning of 29 U.S.C. § 203(1)(A) of the FLSA.

Defendants admit and the Court finds Defendants are employers as defined in 29 U.S.C. § 203(d) of the FLSA.

Upon motion of attorneys for the Acting Secretary and Defendants and for cause shown, it is:

ORDERED, ADJUDGED, AND DECREED, pursuant to section 17 of the FLSA that Defendants, their officers, agents, servants, and all persons acting or claiming to act on their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of Sections 6, 7, 11, 15(a)(2), and 15(a)(5) the FLSA, in any of the following manners:

1. Defendants shall treat all persons hired, engaged or utilized in conducting the business of Defendants as “employees” under the Act, including but not limited to, those persons performing services for Defendants as sanitation workers. Defendants hereby acknowledge that persons working as sanitation workers, are employees subject to the FLSA’s minimum wage, overtime, and recordkeeping requirements.

2. Defendants shall not, contrary to 29 U.S.C. §§ 206 and 215(a)(2), pay to any of their employees who in any workweek are engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the FLSA, wages at rates less than \$7.25 an hour, or any rate subsequently made applicable by amendment to the FLSA.

a. For purposes of Paragraph 2, prohibited actions include, without limitation: not paying employees their final paychecks after an employment separation.

3. Defendants shall not, contrary to 29 U.S.C. §§ 207 and 215(a)(2), employ any of their employees including, but not limited to, any of their employees working at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, in any workweek when they are engaged in commerce or employed in an enterprise engaged in commerce, within the meaning of the FLSA, for workweeks longer than forty hours, unless said employees receive compensation for their employment in excess of forty hours at a rate equivalent to one and one-half times the regular rate at which they are employed.

a. For purposes of Paragraph 3, prohibited actions include, without limitation: (1) failing to pay additional compensation for hours over 40 in a workweek to any employee, whether they are paid on an hourly or salary basis, unless they are exempt from overtime under Section 13(a)(1) of the Act; and (2) paying hourly employees only their regular rate—without a half-time premium—for hours over 40 in a workweek, unless they are exempt from overtime under Section 13(a)(1) of the Act.

4. Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them including, but not limited to, any of their employees working at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, as prescribed by the Regulations issued pursuant to 29 U.S.C. §§ 211(c) and 215(a)(5) and found at 29 C.F.R. Part 516. Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

5. Pursuant to 29 U.S.C. § 215(a)(3), Defendants shall not discharge or take any retaliatory action against any of their current or former employees because the current or former employee engages in any of the following activities:

a. Discloses, or threatens to disclose, to a supervisor or to a public agency, any activity, policy, or practice of the Defendants or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA;

b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA, by the Defendants or another employer with whom there is a business relationship;

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA.

6. Defendants shall provide its current employees and all new employees (for a period of two years) with the following information, in a language in which the employee is fluent:

a. A copy of Fact Sheet #22: Hours Worked Under the Fair Labor Standards Act (FLSA)¹;

b. A copy of Fact Sheet 13: Employee or Independent Contractor Classification Under the Fair Labor Standards Act (FLSA)²;

¹ Available at <https://www.dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked>.

² Available at <https://www.dol.gov/agencies/whd/fact-sheets/13-flsa-employment-relationship>.

- c. A link to the DOL's time keeping app³, and
- d. The telephone number of the U.S. Department of Labor, Wage and Hour Division, 1-866-4-USWAGE (1-866-487-9243).

7. The Consent Judgment shall be posted at Defendants' establishment at a location where employee notices are customarily posted and shall remain posted for a period of not less than 90 days.

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(c) of the Act, in favor of the Acting Secretary and against Defendants in the total amount of \$58,166.16, plus post judgment interest as set forth in Exhibit A⁴.

8. The Acting Secretary shall recover from Defendants the sum of \$29,083.08 in unpaid minimum wage and overtime compensation covering the period from April 7, 2021, to April 6, 2023 (the "Investigation Period"), for Defendants' current and former employees whose names are listed in the attached Exhibit A, and the additional sum of \$29,083.08 in liquidated damages.

a. At the time of Defendants' execution of this Consent Judgment, the Defendants shall deliver a preliminary payment in the amount of \$15,000 online by ACH transfer, credit card, debit card, or digital wallet using the Pay.gov system by going to <https://www.pay.gov/public/form/start/77692637> or by going to www.pay.gov and searching "WHD Back Wage Payment – Midwest Region."

b. Within 30 days from execution of this Consent Judgment, Defendants shall deliver the first of 3 monthly payments, the first two in the amount of \$15,000 (plus in post-judgment interest) and the final payment of

³ Available at <https://www.dol.gov/agencies/whd/timesheet-app>.

⁴ Employees' names have been redacted for privacy reasons. Defendants acknowledge receiving employees' full names.

13,166.16 (plus post-judgment interest, by ACH transfer, credit card, debit card, or digital wallet at <https://www.pay.gov/public/form/start/77692637> or www.pay.gov and searching “WHD Back Wage Payment – Midwest Region”). These payments shall continue every month, on or before the due dates referenced in Exhibit B. A seven calendar-day grace period shall be allowed for receipt of each payment that is required by this paragraph. If Defendants fail to make any payment within that seven calendar-day grace period, all remaining installment payments shall become immediately due and payable, without presentment, demand, protest or notice of any kind, all of which Defendants hereby expressly waive.

c. Should Defendants fail to pay any of the installment payments on or before the dates set forth above (including the seven calendar-day grace period), and are not otherwise up-to-date on the total owed under this Consent Judgment, then Defendants consent to the entry of a Writ of Execution—consistent with the terms of this Consent Judgment and pursuant to Federal Rule of Civil Procedure 69—to enforce the monetary terms of this Consent Judgment. Such a writ of execution shall be limited to the pending balance of the Defendants’ monetary obligations under this Consent Judgment at the time such writ is issued. The Acting Secretary may represent in filing for such a writ that Defendants consent to its issuance. In the event a writ of execution is entered by the Court, the Acting Secretary may engage in discovery in aid of execution as permitted by the Federal Rules of Civil Procedure. However, the Acting Secretary may not take

any steps to enforce this Consent Judgment absent a default by Defendants under the terms of this Consent Judgment.

d. Defendants have the right to prepay the installment agreement in part or in full at any time without penalty. Defendants also have the right to make additional payments towards the principal on any installment due date, but if the employer exercises this privilege, it will not excuse payments due in subsequent months.

e. Defendants have furnished to the Acting Secretary the social security number and last known address for each employee named in Exhibit A.

f. Upon receipt of payment from Defendants, representatives of the Acting Secretary shall distribute such amounts, less appropriate deductions for federal income withholding taxes and the employee's share of the social security (F.I.C.A.) tax, to the employees or their legal representative as their interests may appear, in accordance with the provisions of section 16(c) of the FLSA.

Defendants remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages distributed by the Acting Secretary.

g. Neither Defendants nor anyone on their behalf shall directly or indirectly solicit or accept the return of any sums paid under this Consent Judgment.

h. If an individual named on Exhibit A refuses any sums paid under this Consent Judgment by attempting to return them to Defendants or to anyone on Defendants' behalf, Defendants shall refuse to accept them and shall ensure

that all such sums be immediately paid to the Acting Secretary for deposit as above. Defendants shall have no further obligations with respect to such monies.

i. Any monies not disbursed by the Department of Labor after three years from the date of payment by Defendants, because of the inability to locate the proper persons or because of their refusal to accept payment, shall be deposited into the Treasury of the United States as miscellaneous receipts, pursuant to section 16(c) of the FLSA.

j. The provisions of this Consent Judgment shall not in any way affect any legal right of any individual not named on Exhibit A, nor shall the provisions in any way affect any legal right of any individual named on Exhibit A to file any action against Defendants for any violations alleged to have occurred outside the relevant period.

9. By entering into this Consent Judgment, Plaintiff does not waive her right to conduct future investigations of Defendants under the provisions of the FLSA and to take appropriate enforcement action, including assessment of civil money penalties pursuant to 29 U.S.C. § 216(e), with respect to any violations disclosed by such investigations

It is FURTHER ORDERED that each party shall bear their own costs, fees and other expenses incurred by such party in connection with any stage of this proceeding, but not limited to, attorney fees which may be available under the Equal Access to Justice Act, as amended.

Dated this ___ day of _____, 2024.

Honorable Sunil R. Harjani
United States District Judge

Entry of this judgment
is hereby consented to:

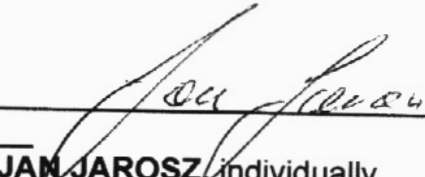
For Defendant:

Date: 12.17.2024


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**GREEN MAINTENANCE SERVICES
INC.**
President/Owner



JAN JAROSZ, individually



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Attorneys for Plaintiff
Julie A. Su, Acting Secretary of Labor,
United States Department of Labor

EXHIBIT A

List of Employees Owed Back Wages⁵

<u>Last Name</u>	<u>First Initial</u>	<u>Back Wages</u>	<u>Liquidated Damages</u>	<u>Post-Judgment Interest</u>	<u>Total Due</u>
	M.	\$860.00	\$860.00	\$8.63	\$1728.63
	A.	\$7,374.24	\$7,374.24	\$74.00	\$14822.48
	M.	\$1,447.32	\$1,447.32	\$14.53	\$2909.17
	F.	\$1,173.36	\$1,173.36	\$11.78	\$2358.50
	H.	\$4,982.66	\$4,982.66	\$48.71	\$10014.03
	L.	\$7,837.28	\$7,837.28	\$78.66	\$15753.22
	N.	\$1,165.00	\$1,165.00	\$11.69	\$2341.69
	B.	\$2,552.18	\$2,552.18	\$25.61	\$5129.97
	S.	\$850.00	\$850.00	\$8.53	\$1708.53
	V.	\$1,651.04	\$1,651.04	\$16.57	\$3318.65
Total		\$29,893.08	\$29,893.08	\$298.71	\$60,084.87

⁵ Please note that the Acting Secretary is including only the first initial of each individual's name for privacy purposes. The Defendants have separately been provided a list of full names.

**EXHIBIT B
PAYMENT SCHEDULE**

Due Date	Principal Due	Interest Due	Total Payment Due
"Preliminary Payment" / December 1, 2024	\$15,000	\$0	\$15,000
January 1, 2025	\$15,000	\$152.15	\$15,152.15
February 1, 2025	\$15,000	\$101.19	\$15,101.19
March 1, 2025	\$13,166.16	\$45.37	\$14,831.53
Totals	\$58,166.16	\$298.71	\$14,831.53

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Defendants.

Civil Action No.: 1:24-cv-03094

Honorable April M. Perry

ORDER APPROVING INJUNCTIVE RELIEF

Plaintiff, Julie Su, Acting Secretary of Labor, United States Department of Labor, commenced this civil action against Defendants Green Maintenance Services Inc., an Illinois corporation; and Jan Jarosz, an individual, (collectively, “Defendants”), seeking to enjoin and restrain them from violating the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.

Having considered the proposed Consent Order and Judgment (ECF No. 29) and Plaintiff’s unopposed motion and supporting brief, this Court concludes that the requested injunctive relief is fair, reasonable, and consistent with the Fair Labor Standards Act.

Upon motion of attorneys for the Acting Secretary and Defendants and for cause shown, it is:

ORDERED, ADJUDGED, AND DECREED, pursuant to section 17 of the FLSA that Defendants, their officers, agents, servants, and all persons acting or claiming to act on their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of Sections 6, 7, 11, 15(a)(2), and 15(a)(5) the FLSA, in any of the following manners:

1. Defendants shall treat all persons hired, engaged or utilized in conducting the business of Defendants as “employees” under the Act, including but not limited to, those persons performing services for Defendants as sanitation workers. Defendants hereby acknowledge that persons working as sanitation workers, are employees subject to the FLSA’s minimum wage, overtime, and recordkeeping requirements.

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4. Defendants shall make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them including, but not limited to, any of their employees working at any business location owned, operated, and/or controlled by Defendants, and at any other business location at which their employees perform work, as prescribed by the Regulations issued pursuant to 29 U.S.C. §§ 211(c) and 215(a)(5) and found at 29 C.F.R. Part 516. Defendants shall make such records available at all reasonable times to representatives of the Plaintiff.

5. Pursuant to 29 U.S.C. § 215(a)(3), Defendants shall not discharge or take any retaliatory action against any of their current or former employees because the current or former employee engages in any of the following activities:

a. Discloses, or threatens to disclose, to a supervisor or to a public agency, any activity, policy, or practice of the Defendants or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA;

b. Provides information to, or testifies before, any public agency or entity conducting an investigation, hearing or inquiry into any alleged violation of the FLSA, or a rule or regulation promulgated pursuant to the FLSA, by the Defendants or another employer with whom there is a business relationship;

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- b. A copy of Fact Sheet 13: Employee or Independent Contractor Classification Under the Fair Labor Standards Act (FLSA)²;
- c. A link to the DOL's time keeping app³, and
- d. The telephone number of the U.S. Department of Labor, Wage and Hour Division, 1-866-4-USWAGE (1-866-487-9243).

7. The Consent Order and Judgment shall be posted at Defendants' establishment at a location where employee notices are customarily posted and shall remain posted for a period of not less than 90 days.

ORDERED.

Date: 1/7/2025



Honorable April M. Perry
United States District Court Judge
Northern District of Illinois

² Available at <https://www.dol.gov/agencies/whd/fact-sheets/13-flsa-employment-relationship>.

³ Available at <https://www.dol.gov/agencies/whd/timesheet-app>.