

Private prison firm to give back pay to guards

By MIKE MCGRAW

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The largest U.S. private prison firm, in settling a national class-action lawsuit, has agreed to payments worth up to \$7 million in back pay and attorney fees for more than 30,000 guards and other employees.

The agreement by the company, Corrections Corporation of America, was approved in February and promptly sealed. But it was unsealed last week in Kansas by U.S. District Judge John Lungstrum.

The guards and other workers had claimed they were regularly required to work off the clock, in violation of federal labor laws.

Eligible employees will reportedly receive about \$100 for each year they worked for the company, from December 2005 through February 2009. The case grew from a single complaint from employee Keith Barnwell at the company's Leavenworth facility.

As part of the settlement, the company denied any wrongdoing.

Lungstrum's decision to unseal the settlement came on a motion from Prison Legal News, a Seattle-based monthly newsletter that reports on criminal justice issues.

Prison Legal News had argued that the settlement agreement was a public document, in part because the company's contracts for prison space involve tax dollars.

Corrections Corporation of America lawyers argued against unsealing the document, saying that it was not newsworthy and that the settlement relied for success on the terms of the agreement being sealed. The company also argued that the newsletter was simply trying to disparage it by showing that the company violated labor law.

Lungstrum ultimately ruled that the company's argument "is not significant enough to outweigh the strong presumption in favor of public access to judicial records."

The attorney for the employees, Brendan J. Donelon of Kansas City, had no comment on the decision to unseal the agreement, but he said he was satisfied with the results of the lawsuit.

A separate case is pending against the company covering employees the company had allegedly misclassified as managers and who should have received overtime, Donelon added.