



(<https://sustainablefoodnews.com>).



(<https://sustainablefoodnews.com/ad-link.php?id=62928>).

Posted on February 1, 2020 by Sustainable Food News

Organic, natural grocery chain hit with class action over fair labor law

Ex-ass't store mgr. at Natural Grocers says he worked up to 60 hours a week with no overtime pay



A proposed federal class action lawsuit against Vitamin Cottage Natural Food Markets, Inc. dba Natural Grocers is alleging that the organic and natural grocery chain has violated the Fair Labor Standards Act (FLSA) by failing to pay its assistant store managers overtime.

The lawsuit was filed Friday in Colorado District Court (Case #: 1:20-cv-00261) by Denver-based resident Michael Levine, who was employed by the Lakewood, Colo.-based company (NYSE:NGVC), operating 154 stores in 20 states, as an ASM in a store in Highlands Ranch, Colo., from about March 2018 to April 2019.

The lawsuit alleges that Natural Grocers considers its ASMs to be “managers,” and “classifies all ASMs as exempt from the overtime provisions of the FLSA.”

The lawsuit also alleges that Natural Grocers’ ASMs “are scheduled to work at least 45 hours each workweek, however, in reality ASMs work many more hours each week in order to complete their assigned job duties.”

Levine said he worked over 40 hours in a workweek and, on average, worked between 50 to 60 hours per week.

However, Levine said ASMs “are not responsible for true management functions,” and “spend the vast majority of their time performing the same duties as non-exempt employees,” which apparently do not fall within any of the exemptions under federal or state overtime laws.

In addition to seeking class action status, Levine is also seeking for himself, and the proposed class, an award of unpaid overtime compensation for all hours worked in excess of 40 in a workweek and/or 12 hours in a day at a rate of time and one-half of the regular rate of pay due under the FLSA.

The plaintiff also seeks an award of liquidated damages and statutory penalties under the FLSA as a result of Natural Grocers’ alleged “willful failure to pay for all hours worked in excess of 40 in a workweek at a rate of time and one-half of the regular rate of pay.”

Levine also wants the court to order Natural Grocers to pay prejudgment interest, attorneys’ fees, costs, and other compensation.

Natural Grocers has 21 days to respond to the lawsuit.

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment

