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Lawsuit calls for overtime pay for King Soopers assistant managers

Complainant says his job was similar to hourly employees', not managerial

By **LUCAS HIGH** | BizWest/Reporter-Herald

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A Colorado man filed a class-action lawsuit this week in U.S. District Court in Denver alleging that King Soopers and parent companies The Kroger Co. and Dillon Cos. have systematically violated labor laws by withholding overtime pay from assistant store managers.

Attorneys for William Powell, a Littleton resident who worked at a Grand Junction King Soopers from 2016 to 2019, claim that the grocery chain incorrectly classifies assistant managers as exempt from overtime pay despite those employees' having essentially the same job function as hourly employees who are eligible to be paid time and a half when they work more than 40 hours in a week or 12 hours in a day.

"Although Defendants consider their ASMs (assistant store managers) to be 'managers,' ASMs are not responsible for true management functions," Powell's complaint says.

"To the contrary, ASMs spend the vast majority of their time performing the same duties as non-exempt employees, including helping customers, moving freight, stocking shelves, building displays, counting inventory, cleaning the store, and otherwise standing in as cashiers, stockers, or other hourly workers," the complaint says.

Duties for assistant managers, who are scheduled to work 45 hours a week and typically work more than that, do not include managerial tasks such as hiring, firing or scheduling other employees, according to court documents.

Assistant managers’ “work required little skill and no capital investment,” the complaint said. “Nor did it include managerial responsibilities, or the exercise of meaningful independent judgment and discretion.”

Of Kroger’s 435,000 employees nationwide, Powell’s lawyers estimate that several hundred are qualified to join the class action suit.

The suit demands unspecified damages to include back overtime pay with interest and attorneys’ fees. It also demands that the court issue an injunction to force King Soopers to pay assistant managers overtime wages.

King Soopers representatives did not respond to requests for comment.

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