

Court clears King Soopers assistant managers to join class action lawsuit

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Feb 9, 2021



Fort Collins, CO, USA - September 16, 2014: King Soopers supermarket in Colorado, brand of Kroger, with a logo on their store. King Soopers has a significant presence in the state of Colorado on the eastern slope of the Rocky Mountains.

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A federal judge has given preliminary approval to a class action lawsuit against King Soopers and its parent company, Kroger, that alleges certain workers were denied overtime pay in violation of federal law.

“The pandemic has hit front line grocery workers hard, and assistant store managers at King Soopers — and, indeed, throughout Kroger’s entire operations — deserve to be paid properly. We look forward to proceeding to the next phase in the case which will focus on King Soopers’ improper

pay policies,” said Jason Conway, the Philadelphia-based attorney who brought the lawsuit.

On Jan. 25, U.S. District Court Judge Raymond P. Moore issued an order allowing all current and former assistant store managers who worked for King Soopers or City Market between July 7, 2017 to the present to join the lawsuit. Within seven days, the Kroger Company needed to provide the plaintiffs’ lawyer with the names and contact information for all such employees.

Within 21 days of Moore’s order, the plaintiffs are to notify all people who are part of the class about the lawsuit, and Kroger will post an announcement in an employees’ section of each store in Colorado, New Mexico, Utah and Wyoming. Finally, employees or former workers who wish to join must submit consent forms to the court within 60 days.

The lawsuit concerns allegations that assistant store managers were exempt from overtime pay, even though they performed largely the same work as hourly employees, such as moving freight, stocking shelves and working as cashiers.

Conway filed suit against Kroger, as well as one against Lakewood-based Natural Grocers, arguing that the company violated the Fair Labor Standards Act by failing to pay overtime for work performed above 40 hours per week. He said he expected more than 700 current and former assistant store managers to receive notice of the lawsuit.

“We expect many will choose to join the case and challenge King Soopers’ policy of denying them overtime compensation for working 50-60 (and often more) hours a week,” Conway said.

A spokesperson for King Soopers did not immediately respond to a request for comment.

The case is *Powell v. The Kroger Company et al.*