

## Price Chopper Faces Lawsuit Over Unpaid Overtime Wages

By: Madeleine Rivera

07/31/2014

Price Chopper is facing a class action lawsuit after a Western Massachusetts former employee claims the supermarket chain failed to pay her overtime wages. "When you punch that clock, what is it you're doing between 9 and 5?" Michael Macomber, a senior associate for Tully Rinckey. The answer to that question will become one of the main factors in a class action lawsuit involving supermarket chain Price Chopper and a former store employee. "Your duties have to fall under certain duties requirements," said Rachel Bien. Attorney Rachel Bien is one of the people handling that lawsuit. Her client, Shelly Davine, worked as a team leader at three Price Chopper stores in the Berkshires. Davine claims to have regularly worked more than 40 hours per week. But, she says she was never compensated for the extra hours because as a team leader, she was salaried and exempt from overtime. "Those titles may be confusing at times," said Macomber. Macomber says what matters is what you do. In this case, Davine argues she worked the same duties as a regular hourly employee and thus, deserves the overtime. "She spent the vast majority of her time providing customer service, working alongside overtime eligible workers, and doing the same kind of work they did," said Bien. Price Chopper released a statement, saying: "With regard to compliance with wage and hour laws, we are very familiar with their requirements and the analysis that must be done to make sure that employees are paid accordingly. We take our obligations to our employees seriously and take the necessary steps to ensure that we comply with the law."

"These types of cases happen everyday. Whether you're a small employer or large employer, you can't get out of having to pay that over time requirement," said Macomber. Davine aims to collect three years worth of overtime pay. She also hopes that several people in her position will join her case.