



Lawsuit claims Chipotle owes overtime pay to thousands of workers, Washington Post, ft. Lori Adelson

Lori Adelson, KD partner in Florida, was quoted in an article published in the *Washington Post* on June 7, 2017, written by Jonnelle Marte, regarding overtime pay that may be owed to Chipotle workers.

A lawsuit filed against Chipotle on Wednesday claims that a federal rule expanding overtime pay to millions of workers is in effect, despite an injunction late last year that banned the Labor Department from enforcing the regulation.

The proposed class action lawsuit, which was filed in the U.S. District Court in New Jersey, alleges that Chipotle should be paying time and a half to employees who work more than 40 hours a week and earn less than \$47,476 a year — as would be required by the rule.

Attorneys representing Chipotle employees in New Jersey argue that the rule still took effect as scheduled on Dec. 1 because the court that ordered the injunction has not issued a final decision or repealed the regulation. The suit also claims that the injunction applied narrowly to the Labor Department and does not block other parties, such as workers, from enforcing the rule in court.

Other legal experts say, however, that the injunction was sufficient to keep the rule from going into effect. "Employers are at that point where they don't have to do anything now because it didn't take effect when it was supposed to," said Lori Adelson, director of the Florida employment practice for Kaufman Dolowich & Voluck, a law firm for focusing on employment law.

The Labor Department appealed the injunction last December while it was still under the Obama administration. But in February, the Trump administration asked for more time to "consider the issues" and decide how to treat the case. It has until June 30 to file a brief with the court.