

## **DOLLAR TREE STORES COULD OWE THEIR WORKERS MILLIONS**

### **Class Action Status Was Granted Last Week To Employees Who Claim They Are Owed For "Off-the-Clock" Work**

**By  
Brian E. Curtis, Esq.  
Becker Meisel LLC**

Last month, Dollar Tree Stores, Inc. suffered a significant setback in its strategy to decertify a class of about 4,000 employees, mostly assistant store managers, who have sued the national retail chain claiming it owes them money for time they worked "off the clock."

On March 7, 2014, U.S. District Judge Raymond Jackson from the Eastern District of Virginia, concluded that not only did the workers all have similar job duties and supervision, but that they also produced evidence to the Court that the retailer's allegedly illegal practices at the heart of their claims are company-wide, systemic, and were implemented in all Dollar Tree stores across the country.

In the Opinion authored by Judge Jackson, he wrote, "defendant contends that if this action is not decertified, it will need to prepare for more than 4,000 mini-trials of each plaintiff because their claims are vastly different. However, the members of the collective [group of employees] share a common issue: whether defendant required or permitted them to work off-the-clock without compensation. Each individual plaintiff would be unlikely to pursue his or her claim alone due to the costs involved relative to the damages sought." As a result, the Judge refused Dollar Tree's request to de-certify the class action status of the group. The ruling clears a major hurdle for the workers and allows the case to move forward.

It should be noted that the workers claim that their job titles as assistant store managers do not match their job duties and therefore they should not be exempt from wage and hour provisions for overtime pay and other legal protections. They further claim that the Company's policies often required them to work off the clock including during meal breaks, to make bank deposits, and for other work-related activities that were required to be completed after closing hours, resulting in violations of federal and state wage laws.

This should serve as a wake-up call to employers to ensure that their workers' job duties . what they actually do during working hours in the workplace . accurately matches their job descriptions as well as their job titles so that they are properly classified, and, moreover, that pay policies are consistently maintained and properly recorded across the board for all workers.

Click on the link here to access Judge Jackson's Memorandum Opinion and Order.  
<http://valawyersweekly.com/files/2014/03/lafleur-dollar-tree-opinion.pdf>.