

Bailey Glasser Attorneys File Class-Action Against 11 Applebee's Restaurants On Behalf of Tipped Employees Alleging Wage Violations

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A collective and class-action lawsuit filed against the operator of 11 Applebee's restaurants in West Virginia, Virginia, Ohio and Kentucky accuses the restaurants of violating federal wage laws by not properly paying employees doing tipped work. The West Virginia restaurants were also accused of failing to timely pay wages owed. The collective and class action was filed in the United States District Court for the Southern District of West Virginia.

The Fair Labor Standards Act allows employers to pay tipped employees less than the \$7.25 per hour federal minimum wage and take a "tip credit" — so long as the employee's hourly wages plus tips add up to minimum wage or an employee isn't required to perform excessive or unrelated non-tipped work.

The lawsuit, against Employee Resource Group, LLC, and WV Neighborhood Hospitality, LLC, was filed on behalf of April Hill and other employees by Sandra Henson Kinney of Bailey Glasser's Charleston, West Virginia office and Elizabeth Ryan of the firm's Boston, Massachusetts office.

The Plaintiff in the case worked as a hostess at an Applebee's in Beckley, West Virginia. Her complaint alleges that she was treated as a tipped employee and paid \$4.25 an hour, even when performing non-tipped work and even when her tips were less than the \$3 an hour "tip credit" taken by the restaurant. After she resigned, the restaurant did not pay her all the wages she claims are owed within the time period required by law.

The action is brought on behalf of all employees of the defendants whose wages plus actual tips received didn't add up to the minimum wage in at least one workweek, or who were required to perform unrelated non-tipped duties or excessive related non-tipped duties.

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The complaint seeks to recover unpaid wages, plus liquidated damages for all affected employees.

If you would like additional information about the case, or if you worked as a tipped employee at Applebee's, please call 304-345-6555.

Attorneys

Elizabeth Ryan

Practice Areas

Labor & Employment