

Labor Law Bulletin

Labor and employment law trends of interest to our clients and other friends.

September 29, 2005

Vedder Price Client Defeats Class Action Overtime Claim

The Illinois Appellate Court yesterday affirmed the dismissal of a class action lawsuit against our client, Dominick's Finer Foods, Inc. and Safeway, Inc., its parent, brought by unionized employees seeking overtime pay under the Illinois Minimum Wage Law which they claimed was due them for being required to work "off the clock." Plaintiffs also asserted claims under the Illinois Wage Payment and Collection Act and the One Day Rest in Seven Act. The appellate court agreed with Dominick's argument that these claims could not be brought in court but, instead, were subject to disposition under the grievance and arbitration provision in the parties' collective bargaining agreement.

This court victory, achieved by attorneys in Vedder Price's labor group, creates a significant precedent for employers in Illinois who may now be able to require state wage and hour claims to be asserted and decided under collectively bargained grievance procedures rather than defended in a much more costly and risky state court forum.

If you have any questions, please call Tom Wilde (312/609-7821), Richard Schnadig (312/609-7810), or any Vedder Price attorney with whom you work.

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