

Workers Cook Up Wage Theft Lawsuit Against Chipotle Mexican Grill



Summary: A former Chipotle "apprentice" is suing the chain for lost overtime pay.

Chipotle Mexican Grill has some beef with an employee. She's accusing the burrito-giant of wage theft, and she's attempting to roll together a class-action status lawsuit.

According to *USA Today*, the lawsuit was filed this week in U.S. District Court in New Jersey. The plaintiff alleges Chipotle failed to pay overtime to employees under the new rule issued by the Labor Department. The Labor Department had changed its federal overtime rule late last year, and it required employers to pay overtime to any worker who earned \$47,476 or less.

The plaintiff is being represented by Cohen Milstein Sellers & Toll. Joseph Sellers of the firm said that not only is Chipotle guilty of wage theft but other companies are as well.

"For conscientious employers, a suit like this reminds them that the rule is in effect and that they should be paying overtime," Sellers said. "I don't fully understand the mind-set that has given rise to this broad belief that companies are not bound by this."

The lead plaintiff is Chipotle employee Carmen Alvarez. From 2014 until March of this year, Alvarez had been training to become a general manager, also known as an "apprentice" within the chain. She said she had worked 50 hours a week but was being paid a salary of \$43,082 and not given overtime. During this period, Texas had issued a federal injunction that said employers did not have to honor the Labor Department's new rule, and this week's lawsuit is also contesting that.

According to Wednesday's lawsuit, "[Chipotle] willfully denied Alvarez and other apprentices overtime compensation for hours worked in excess of 40 per week."

In the lawsuit, Alvarez said that the apprentice program actually had her spend a large chunk of time on the assembly line, instead of doing management training. She said she had spent hours making the chain's famously tasty burritos, tacos, and bowls; and that because she was mostly doing employee work, she should be paid overtime, even though the chain had classified her as an apprentice.

Chris Arnold, a spokesman for Chipotle, told *USA Today* that Chipotle's employment practices are compliant with applicable laws. He added that a lawsuit is not actual proof of wrongdoing.

"A lawsuit is nothing more than allegations, and the filing of a suit is in no way proof of any wrongdoing," Arnold said.

Alvarez's lawsuit follows another wage theft lawsuit against Chipotle that was filed last summer. According to *CNN*, almost 10,000 employees sued the company, claiming it forced them to work extra hours without getting paid. What distinguishes Alvarez's lawsuit from the previous one is whether or not an apprentice should be considered a manager or an hourly worker. Managers receive salaries, which excludes them from overtime pay.

CNN stated that to determine whether or not someone is a manager there are two criteria--the person's duties and how much they are paid. Before the Labor Department had changed its rule, employers could pay managers a salary as low as \$23,660 and not provide overtime.

Legal experts have stated that while Alvarez could win this lawsuit, the win may end up being short-lived. There is a possibility that the Donald Trump administration may change overtime rules in the future, but the president has not shared his stance on the Labor law as of yet.

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