

Miller & Martin's Wage & Hour Group helps clients achieve compliance with all aspects of federal and state wage and hour law.

Our group assists businesses with employee classification issues; overtime, minimum wage and work time issues; and employee timekeeping and recordkeeping issues. In the area of defending wage and hour class and collective actions, we have had many successes in jurisdictions across the country.

Services provided by attorneys in this group include defense of wage and hour litigation (including class and collective actions), assistance with wage and hour audits and investigations by the United States Department of Labor and other governmental agencies, conducting or assisting with wage and hour self-audits, reviewing and creating wage and hour policies, and providing general assistance, advice and counseling on wage and hour issues.

SELECTED EXPERIENCE

The California Court of Appeal recently confirmed a favorable class action settlement over repeated protests by an objector (and his attorney). The California Supreme Court refused to take the matter up on review and so the settlement stands.

In a recent national class and collective action, after a hard-fought battle, we negotiated a low settlement for the company such that it could continue to operate and would not be crippled by the settlement payments.

Not all class and collective actions in the wage and hour arena are settled. We obtained summary judgment in a case that was filed as a nationwide class action challenging a restaurant chain's tip sharing policy. The 6th Circuit affirmed, holding that the DOL's opinion letters that would have declared the company policy to be illegal were entitled to no deference.

In Florida, our team recently obtained summary judgment against a putative class of truck drivers, claiming that the Motor Carrier Act exemption served as a defense. This summary judgment affected not only the Florida class members, but established a precedent that the company and other employers could use to defend against future class actions in other jurisdictions.

RELATED ATTORNEYS

Brad Harvey, Chair
Scott Simmons
Jimmy Daniel
Bill Trumpeter
Chuck Lee
Jessica Malloy-Thorpe
Erin Steelman
Jessica Wolinsky