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Aldi grocery store employees accuse chain of violating federal wage laws

By Janet Cho, The Plain Dealer
January 20, 2010, 6:29PM

CLEVELAND, Ohio -- More than 200 Aldi store managers in 32 states have filed a lawsuit against the U.S. division of the German discount grocer, saying they were wrongly classified as exempt from overtime and should have been paid for working more than 40 hours a week.

The U.S. District Court case was initiated by Howard McNelley of Elyria, who spent nine years working at the Aldi store in Brooklyn before being fired in June 2009. He is joined in the federal class action lawsuit by 212 other Aldi employees.

Aldi Inc., based in Batavia, Ill., issued the following statement through its spokeswoman Martha Swaney: "Aldi prides itself on providing a work environment that respects each employee and rewards its staff with generous salaries and benefits that are significantly higher than the industry standard. As a testament to that, it's common for Aldi employees to celebrate 15, 20 and 25 years of service."



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"As a matter of policy and practice, Aldi consistently adheres to all employee-related laws and regulations. We look forward to presenting the facts in court," the statement concluded.

[Class action lawsuit \(PDF\)](#)

Aldi employs more than 11,000 workers at 1,000 stores from Kansas to the East Coast, Swaney said.

Aldi's attorneys could not be reached for comment.

McNelley is one of 16 Ohio store managers suing Aldi for violating the federal [Fair Labor Standards Act](#).

The lawsuit says that despite being hired as a store manager, McNelley's primary duties were stocking shelves, operating the cash register, cleaning the store and performing customer service duties.

Contrary to the federal definitions of exempt executives, McNelley said he did not oversee two or more employees, did not engage in management duties and did not have the power to hire, fire or promote other workers.

"We contend that he should have been paid as an hourly worker and paid overtime, because his duties were virtually indistinguishable from the assistant managers, cashiers and other hourly employees," said attorney Jason Bristol of [Cohen Rosenthal & Kramer LLP](#).

While McNelley routinely worked 50 to 60 hours a week, other store managers in the lawsuit said they worked more than 70 hours a week, coming in at 4:30 or 5 a.m. and working well into the evenings, Bristol said.

"I've talked to thousands of workers around the U.S., all of whom have reported the same experience," he added. Those workers often spent most of their day as the only employee in the store.

The lawsuit does not say why McNelley or other workers were fired, but the majority of plaintiffs are former Aldi employees.

"You often see these violations with large retailers and they are also common in the food industry" among employers trying to reduce labor costs by squeezing more hours out of fewer workers, Bristol said.

The lawsuit seeks unpaid overtime wages, legal fees and other damages.