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## Golden Corral Roped Into Overtime Class Action

By **Alex Wolf**

Law360, New York (January 19, 2017, 2:44 PM EST) -- Golden Corral Corp. may offer customers an endless buffet, but it has shown itself to be less bountiful to those it employs as associate managers by wrongfully exempting them from federal and state overtime pay requirements, according to a lawsuit filed in Pennsylvania federal court Wednesday.

The buffet-style restaurant chain was hit with a class and collective action by two former associate managers claiming they primarily performed the same tasks as hourly employees, but were misclassified as exempt workers. As a result, they and others did not receive overtime compensation despite regularly being required to work more than 40 hours a week, according to the suit.

Plaintiffs Scott Hinterleiter and Shawn Click, who respectively worked as associate managers at Golden Corral locations in Erie, Pennsylvania, and Louisville, Kentucky, say the company violates the Fair Labor Standards Act by misclassifying them as exempt employees, willfully failing to pay associate managers overtime wages and willfully failing to record all of the time that its employees have worked.

"Defendant was aware that plaintiffs and the class members worked more than 40 hours per workweek, yet defendant failed to pay overtime compensation for hours worked over 40 in a workweek," the complaint states.

Hinterleiter and Click allege that those employed as "kitchen associate managers" and "hospitality managers" at any one of Golden Corral's approximately 94 locations nationwide primarily do the same work as non-exempt employees. These tasks include cooking and preparing food, taking out trash, washing dishware, refilling buffet food, unpacking supplies, cleaning and serving customers, they said.

The primary duties of those in the associate manager position "were not directly related to defendant's management or general business operations" and "did not include the exercise of discretion or independent judgment regarding matters of significance," the plaintiffs said.

The complaint alleges violations of the FLSA and wage laws from both Pennsylvania and Kentucky. The plaintiffs aim to bring an opt-in collective action under the federal law and certify two separate classes of those who currently or formerly worked as associate managers at a Golden Corral in either Pennsylvania or Kentucky.

The FLSA and Pennsylvania's Minimum Wage Law would cover employees that worked for a period of time after March 14, 2013, while the Kentucky Wage Laws would cover employees that worked after March 14, 2011.

The plaintiffs seek to recover unpaid wages and other monetary awards and an order that would require Golden Corral to cease its overtime exemption of associate managers.

Golden Corral did not immediately provide a comment on the allegations in the suit when contacted Thursday.

The plaintiffs are represented by Mark J. Gottesfeld and Peter Winebrake of Winebrake & Santillo LLC, Justin M. Swartz, Melissa L. Stewart and Christopher M. McNerney of Outten & Golden LLP, and Gregg I. Shavitz and Michael Palitz of Shavitz Law Group PA.

Counsel information for Golden Corral was not immediately available Thursday.

The case is Hintleiter et al. v. Golden Corral Corp., case number 1:17-cv-00014, in the U.S. District Court for the Western District of Pennsylvania.

--Editing by Kelly Duncan.

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