



Worker lawsuit vs. Upper Crust to go forward

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A federal lawsuit alleging that the Upper Crust pizza chain illegally deducted wages from its employees' paychecks will proceed while a U.S. Department of Labor probe of the company continues.

U.S. District Court Judge Rya Zobel refused Upper Crust's request to temporarily stop court proceedings until the conclusion of the federal investigation.

"We think it would have been preferable to hear what the (DOL) had to say about this case, but apparently she felt the case should go forward," Upper Crust's attorney, David Berman, said.

Former Upper Crust cooks Valdeir Pereira Pinto and Cleverson Batista originally filed the proposed class-action lawsuit in Suffolk Superior Court in July.

They claim Upper Crust violated state wage laws by requiring workers, through payroll deductions, to pay back thousands of dollars in retroactive overtime payments that the company was forced to make following an initial federal investigation last year.

Upper Crust agreed to pay \$341,545 to 121 employees after the DOL determined it had violated federal wage laws by failing to give overtime compensation to workers from April 2007 to April 2009.

"We've had managers who said that employees were told if you want to keep your jobs, you have to pay the money back," the workers' attorney, Shannon Liss-Riordan, said.

The lawsuit also accuses Upper Crust of retaliating against workers by firing those who did not agree to the payroll deductions.