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Fla. Gas Stations Refused To Pay OT, Worker Says

By **Grace Elletson**

Law360 (June 13, 2022, 12:55 PM EDT) -- Management at a group of gas stations refused to pay workers overtime and mocked an employee who asked about the time-and-a-half pay that was promised to them, according to a proposed collective action filed in Florida federal court.

Estrella Acosta sued three gas stations Friday: Edison Petroleum, Evergreen Gas & Food Mart and Del Prado Gas & Food Mart. She alleged the businesses violated the Fair Labor Standards Act by failing to pay employees overtime premium pay and said management disregarded her requests for overtime pay.

"Plaintiff endeavored to obtain her federal overtime wages before initiating this lawsuit; however, defendants refused to rectify violations and spurned plaintiff for broaching the topic," **the complaint said.**

Acosta said she began working in June 2020 for all three gas stations, which are owned by Hamza Rashid, who was also named as a defendant in the suit. She said she was hired as an hourly, nonexempt gas station attendant and cashier. In her job, she assisted customers, stocked shelves and ensured safety at the gas stations, she said.

When the stations hired Acosta, she said, she was told that after six months on the job she would become eligible for time-and-a-half overtime pay for hours worked above 40. She said she typically worked around 84 hours per week, but said the stations did not accurately track the amount of hours she worked.

Acosta inquired about overtime pay in May 2022, according to the suit. She sent a text message to Rashid asking when she would receive overtime, and he responded, "No one in 30 yrs has gotten overtime ... how would you get it," the suit said.

Acosta said she quit her job that month after being "ridiculed" for asking about overtime pay.

Refusing to pay workers overtime was a common policy at the stations, Acosta said. The businesses also commonly failed to accurately track the hours employees worked, she alleged. The stations have employed dozens of attendants and cashiers over the collective period, she said, making the suit eligible for collective treatment.

Acosta seeks to represent all former and current cashiers and attendants who worked for the gas stations in Lee County, Florida, over the past three years. She estimated that more than 30 workers would be able to join the litigation but that more eligible members can be found through the stations' business records.

She said the stations' FLSA violations were willful because the businesses knew workers were owed overtime pay under federal law. Acosta is seeking damages, litigation costs and any other further relief.

"Defendants were aware of the requirements of the FLSA, and the pertinent regulations thereto, yet acted willfully in failing to pay plaintiff and the class members in accordance with the law," Acosta said.

Jordan Richards of USA Employment Lawyers, who represents Acosta, told Law360 on Monday that he looks forward to helping her and other workers recover wages owed to them.

"The relief sought on behalf of our client is of particular concern given the current state of the economy," Richards said. "Workers like Ms. Acosta and other employees deserve to be compensated fairly and in accordance with the federal overtime laws."

A representative for the gas stations did not immediately respond to a request for comment.

Acosta is represented by Jordan Richards and Jake Blumstein of USA Employment Lawyers.

Counsel information was not available for the gas stations.

The case is Acosta v. Evergreen Gas & Foot Mart LLC et al., case number 2:22-cv-00365, in the U.S. District Court for the Middle District of Florida.

--Editing by Roy LeBlanc.

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