

# Tires Plus, Bridgestone/Firestone Withheld Employee Pay, Lawsuit Alleges

## *Nationwide Suit Seeks Compensation For All Current And Former Hourly Employees*

(NAPSA)—The nation's second largest independent tire and auto parts retailer Morgan Tire & Auto, Inc. (MTA), which operates under the trade name Tires Plus, was sued by employees who claim the chain shortchanged them on overtime pay. Bridgestone/Firestone, Inc., which owns a majority position of MTA, was also named in the lawsuit.

The suit alleges that Tires Plus violated employee compensation laws within the "Fair Labor Standards Act" by excluding production payments from the calculation for employees' overtime pay.

Tires Plus employees receive production payments—such as commissions or "spiffs"—for achieving certain predetermined sales targets. These payments can account for as much as 35 percent of an hourly employee's pay.

The employees in the suit are demanding that Tires Plus pay them, and all of the company's current and former hourly workers who choose to join the suit, the wages they were shorted as a result of the policy of excluding production payments from their overtime rate.

Federal law requires employers to pay overtime at one and one half the employees regular rate of pay, according to Charles Yezbak



of Nashville, Tennessee who, along with Gregory McGillivray, represents the employees.

"The law prohibits employers from excluding production payments from the rate at which overtime is paid," said McGillivray, a partner at the Washington, D.C. law firm of Woodley & McGillivray. "This is exactly what our clients complain of in their lawsuit."

"This practice may be endemic to the tire and auto retail industries," said Yezbak, "We have seen this practice with several employers in the industry."

Yezbak and McGillivray also represent workers in a lawsuit against auto parts giant Pep Boys, Inc. and are investigating claims against other employers in the industry.

Patrick Reeners, a Nashville-based Tires Plus employee and

plaintiff in the lawsuit, noted that at first glance Tires Plus' improper calculation of the overtime pay rate "does not sound like a big deal," but added that it has a significant impact on the workers' bottom lines. "I was shorted about \$130 from my last paycheck. That's a lot of money to me."

Reeners added that most Tires Plus employees are hourly workers earning approximately \$10 per hour. He wants many more current and former employees of Tires Plus to join the lawsuit and hopes that other employees will come forward.

MTA employs 6,000 workers at more than 550 locations in 25 states operating under the names of Tires Plus, Michel Tire, Avelino's, Olson Tire, Wheel Works, and Hibdon Tire Centers. The company produces retail sales of \$500 million annually. Bridgestone/Firestone announced it purchased a majority position in MTA in 2001. The company's acquisition of MTA helped shore up significant losses resulting from its recall of 6.5 million Firestone tires in 2000.

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