

Missouri Court Rejects Attempt to Block Minimum Wage for Tipped Workers

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Missouri Court Rejects Attempt to Block Minimum Wage for Tipped Workers

Jefferson City, Missouri – This week a Missouri court dismissed a lawsuit seeking to exempt more than 54,000 tipped workers from the state minimum wage. The lawsuit, backed by Missouri’s restaurant industry, was the latest in a series of attempts to block the minimum wage increase approved by 76% of Missouri’s voters last fall. The Brennan Center for Justice at NYU School of Law filed a brief explaining why the court should reject the lawsuit.

“The restaurants were trying to rewrite Missouri law to make it virtually the only state in the nation that allows employees to work just for tips,” said Raj Nayak, an attorney in the Brennan Center’s Economic Justice Project. “Fortunately, the court saw through this.”

The attack on Missouri’s minimum wage is part of a national pattern.

After Montana voters overwhelmingly approved a minimum wage increase last fall, the restaurant industry tried but failed to reverse the raise for tipped employees there, too.

Last year, Missourians voted overwhelmingly to raise the state minimum wage through a ballot initiative supported by St. Louis Area Jobs with Justice, the Brennan Center, and other groups. Missouri's minimum wage has long required that tipped workers receive a base wage of at least 50% of the minimum wage, with the balance provided in the form of tips. Nothing in the ballot initiative changed that requirement.

The restaurant industry initially persuaded Missouri's labor department to try to do an end run around the voter-approved raise by wrongly telling employers that employees can be forced to work just for tips. The agency's erroneous advice sparked a [state-wide campaign](#) led by St. Louis Area Jobs with Justice and Give Missourians a Raise to organize thousands of restaurant workers to protest the attempted wage roll-back. In March, Governor Matt Blunt [rejected the agency's interpretation](#) after a legal analysis by the Brennan Center and six local law professors confirmed that it had no legal basis. The restaurant industry then sued the state Department of Labor and Industrial Relations, asking the court to endorse the interpretation that the state had rejected.

“These restaurants are shameless,” said Lara Granich, director of St. Louis Area Jobs with Justice. “After tipped workers finally got their first minimum wage raise in fifteen years, they tried to reach into the workers’ pockets and take it back. We’re gratified that the court has said no.”

The Brennan Center joined with St. Louis attorneys Arthur Martin and Christopher Grant from Schuchat, Cook & Werner, Professor John Ammann from the St. Louis University School of Law, and Denise

Lieberman from the Stetin Center for Law and Social Change to file [two amicus briefs](#) defending Missouri's wage law and urging the court to dismiss the restaurants' claims.

In its ruling on Thursday, the Cole County, Missouri circuit court agreed with the Brennan Center's analysis and dismissed the restaurants' lawsuit in the case, *G.R. Restaurant, Inc. and J.J. Group, Inc. v. Missouri Department of Labor and Industrial Relations*, Cause Number 07AC-CC00276. The restaurants have not yet indicated whether they will appeal.