

Brief Seeks To End Challenge To Missouri Minimum Wage Law

For Immediate Release

May 7, 2007

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Brennan Center and Jobs With Justice Ask Missouri Court to Stop Effort To Cut Minimum Wage for Tipped Workers

Jefferson City, Missouri – The Brennan Center for Justice at NYU School of Law and St. Louis Area Jobs with Justice filed a [brief](#) to dismiss a lawsuit that seeks to exempt tens of thousands of tipped workers from the minimum wage. The lawsuit – backed by Missouri’s restaurant industry – is just the latest in a series of attempts to block the minimum wage increase approved by 76% of Missouri’s voters last fall.

“The restaurants are attempting to pay their staff no wages at all and force them to work just for tips,” said Raj Nayak, Counsel for the Brennan Center’s Economic Justice Project. “But like virtually all minimum wage laws, Missouri’s law requires that even tipped workers have to be paid a base wage by their employers.”

The restaurants’ effort to rewrite Missouri’s minimum wage conflicts

with the law's own language and with long-standing state regulations. "Governor Blunt saw through this same argument earlier this spring," said Nayak. "We are hopeful that the court will see through it too, so that tipped workers get to keep the voter-mandated raise they were promised."

Last year, Missourians voted overwhelmingly to raise the state minimum wage in a campaign 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 minimum wage 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 incorrectly telling employers that the minimum wage requires no base wage at all for tipped workers. 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 Blunt [rejected the agency's interpretation](#) after a legal analysis authored by the Brennan Center and six local law professors confirmed that it had no legal basis.

"These restaurants are shameless," said Lara Granich, director of St. Louis Area Jobs with Justice. "Tipped workers finally got their first minimum wage raise in fifteen years, and now these restaurants are asking for permission to reach into the workers' pockets and take it back."

The restaurant industry has filed suit against the state Department of Labor and Industrial Relations, claiming that the agency's fifteen-year-old interpretation of the minimum wage requirement for tipped workers

is invalid.

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 an [amicus brief](#) urging the court to dismiss the restaurants' claims. In addition to St. Louis Area Jobs with Justice, other members of Give Missourians a Raise on the brief included the Heartland Presbytery, Missouri ACORN, and the Stetin Center.

The Cole County, Missouri circuit court is expected to issue its ruling later this month in the case, G.R. Restaurant, Inc. and J.J. Group, Inc. v. Missouri Department of Labor and Industrial Relations, Cause Number 07AC-CC00276.