Employer Sued for Paying Employee 91,500 Pennies

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Employee turnover is an inevitable part of business. There is an endless list of reasons why employer-employee relationships terminate. Regrettably, these relationships don't always terminate on good terms and, sometimes, they end on very bad terms. Employers need to be mindful when dealing with employees and ex-employees, particularly with respect to wages. Such was the case of a Georgia repair shop that recently made national headlines for paying a former employee's last check in pennies.

Andreas Flaten, a former employee of A OK Walker Autoworks, contacted the U.S. Department of Labor (DOL) after the Peachtree City repair shop failed to pay his final check. When the shop was made aware of the missed payment, it paid Mr. Flaten in pennies – 91,500 of them, to be exact. The company piled the pennies in Mr. Flaten's driveway with a copy of his paycheck and a note containing an expletive, as reported in an article in TheHill.com.

The incident, which occurred in March 2021, has now triggered a federal lawsuit for illegal retaliation and discrimination. And that's not the end of A OK Walker Autoworks' legal troubles. The DOL also discovered that the shop has failed to pay its employees overtime since April 2019.

According to the DOL, the repair shop failed "to make, keep and preserve adequate and accurate records of the persons employed and of the wages, hours and other conditions and practices of employment maintained by them." *Walsh v. 811 Autoworks, LLC d/b/a A OK Walker Autoworks and Miles Walker*, No. 3:21-cv-00220-TCB (N.D. Ga. Dec. 30, 2021).

But the story didn't end there. Following the incident, and in response to national news headlines and an outpouring of complaints, the repair shop added a page to its website (which has since been removed) titled "Pennies."

"What started out as a gotcha to a subpar ex-employee, sure got a lot of press," the page read. *Id.* It continued:

"Unfortunately, by law, we cannot disclose his shortcomings. Let us just say that maybe he stole? Maybe he killed a dog? Maybe he killed a cat? Maybe he was lazy? Maybe he was a butcher? Maybe he liked self-gratifying himself in clients' cars? Whatever you want to think is your prerogative." *Id.*

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The page went on to defend its actions by noting that pennies are valid currency. The DOL doesn't see it that way though.

Additionally, reports The Daily Mail, the pennies were allegedly coated in oil. Shop owner Miles Walker, who admitted to the stunt, denied oiling up the coins. But Flaten maintains that he spent considerable time and effort cleaning the pennies just so he could cash them in. That means labor above and beyond what he already worked to earn that final pay.

As an employer, you need to make sure that your company does not create unnecessary liability by dealing with an employee in a retaliatory manner. The incident is a cautionary tale: if you're caught red-handed, don't retaliate by paying piles of red pennies.

And if you're a current or former employee of an establishment, know your rights. The South Carolina Payment of Wages Act, as well as federal legislation, may entitle you to compensation if your employer is holding out on you.

Rosen Hagood's employment and labor law attorneys assist both employers and employees with many employment issues such as wages, discrimination, and harassment. Contact our firm today if you are seeking legal advice for an issue related to your employment.

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