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Cordero v. New York Institute of Technology

United States District Court, E.D. New York - June 20, 2013 - Slip Copy - 2013 WL 3189189

Current and former employees of the New York Institute of Technology (NYIT) initiated an action on behalf of themselves and a purported class of others similarly situated, alleging that NYIT violated the Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201, et seq., and the New York Labor Law (NYLL), N.Y. Lab. Law §§ 190, et seq., by: (1) failing to pay plaintiffs one and one half (1.5) times their hourly rate for all hours worked in excess of forty (40) hours per week; (2) retaining charges to customers purporting to be gratuities for plaintiffs; and (3) failing to reimburse plaintiffs for the costs of purchasing and maintaining their uniforms.

The District Court declined NYIT's motion to dismiss, finding that a not-for-profit educational corporations are not exempt from the Hospitality Wage Order.