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Business



Davis v. Food Lion Incl. Davis v. Food Lion Incl. In the above mentioned case Davis is the plaintiff while Food Lion Incl. is the defendant. Jerry S. Davis is an employee of Food Lion Incl. as a meat market manager. The dispute between the two parties arose on the ground that Davis felt that his right as an employee was infringed by Food Lion Incl. Davis claimed that he was not compensated for the overtime he worked for, in pursuit of meeting the set target by the effective scheduling system dictating the weekly volume to be processed (“ openjurist. org”, n. d.).

Food Lion incl. on his part claims that she has a policy which prohibits her employee from working overtime. Therefore, if Davis worked overtime, it was out of his wish since he was aware of the policy. The defendant claims though Davis was the meat market manager at the North Carolina branch he used to work at Martinsville, Virginia sometimes and he was warned about the overtime by the supervisor there but he chose still to ignore, maybe because he enjoyed his job and wouldn't mind if he worked extra time.

It is a federal law. The law that is being litigated is the Fair Labor Standards Act section 7(a). The Act states the circumstances on which an employee can do overtime and the reward for the overtime. It categorically states that for overtime to be effective there must be an agreement between the employer and employee. For them to come up with terms, that will be binding between them, concerning the overtime. The law however put the limits on the amount of reward the employee shall receive from the employer. The amount should not be less than one hundred and fifty percent as compared to what one earns per hour on a regular pay (“ FairLaborStandAct. pdf”, n. d.). This law tries to bring harmony between the employee and employer regarding overtime. Over the years prior to the enactment of this law,

employers misused labor by using their employees as slaves, thus the government found it necessary to develop a legal framework that will ensure smooth operation and relation at workplace.

The employer has a stronger argument against the plaintiff that is Mr. Jerry S. Davis regarding the overtime compensation dispute. The law states very clearly that for overtime to be effective there must be an agreement between the employer and employee and in this agreement they should agree on reward. The plaintiff didn't discuss with the employer on matter concerning overtime but rather thought since the law recognizes overtime he is entitled to be rewarded. The Act only gave direction on the minimum reward one should expect incase he/she have agreed on overtime. The defendant also had a policy that prohibited her employees from working beyond the regular hours thus controlling issues of overtime. Davis claim that he was " forced" to work overtime so as to accomplish the set target, doesn't hold any water, since the employer just set the target to measure the productivity of him but it wasn't a mandatory for him to hit the target. This is why the defendant argued out his case that the plaintiff like his job and aim at meeting the target. The defendant had the back up from the supervisor from Martinsville, who had cautioned Mr. Davis that Food Lions Incl. doesn't reward its employee for overtime since it was contrary to its policy. This evidence argued out by the defendant proves her innocence and therefore not liable to pay any damages whatsoever.

References

(n. d.). Retrieved December 11, 2014, from [http://www. dol. gov/whd/regs/statutes/FairLaborStandAct. pdf](http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf)

<https://assignbuster.com/xbus-man/>

OpenJurist. (n. d.). Retrieved December 11, 2014, from <http://openjurist.org/792/f2d/1274/davis-v-food-lion>