

Tampa Bay Buccaneers to Settle Cheerleaders' Wage-and-Hour Class Action

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The **Tampa Bay Buccaneers** have agreed to settle a *class action lawsuit* brought by its *cheerleaders* on May 19, 2014. ***Pierre-Val v. Buccaneers Ltd. Partnership***, No. 14-cv-01182 (M.D. Fla.). The Buccaneers agreed to pay \$825,000, with \$264,000 of the settlement allocated to attorney's fees. As a class action, the settlement awaits Court approval after a "fairness hearing," which likely will take place this summer. The potential class includes approximately 94 current and former cheerleaders who worked for the Buccaneers between June 3, 2009, and May 9, 2014. If the settlement is approved, class members will receive a portion of the \$561,000, depending upon how many weeks and hours worked, so long as they do not opt out to pursue their own individual action.

Plaintiffs alleged violations of federal and state wage laws for failure to pay cheerleaders minimum wage. They were paid \$100 per home game, as well as additional compensation for corporate events. The Complaint alleged the cheerleaders were required to work unpaid hours including practice time, charity events, clinics, posing for calendars, and for other work performed. Indeed, the Complaint notes the Buccaneers' website explicitly says that cheerleaders were "consistently busy rehearsing, performing and volunteering for community events and appearances."

Similar lawsuits have been brought against the other teams, including the Oakland Raiders, Cincinnati Bengals, Buffalo Bills, and New York Jets. The Oakland Raiders settled its lawsuit this past fall for \$1.25 million. The Raiders' cheerleaders had earned \$125 per game. The other lawsuits are pending.

The lawsuit against the Buffalo Bills has the most at stake. The Bills' cheerleaders were classified as independent contractors and received no compensation beyond a ticket to the game and a parking pass. They allege that they were misclassified and that they are entitled to compensation at minimum wage for working 20 hours per week. The Bills' cheerleaders also claim they were subjected to a harassing work environment because, among other allegations, the Bills provided the cheerleaders with a handbook that addressed feminine hygiene and other inappropriate issues.

The Bills' cheerleaders have even added the NFL to the lawsuit, arguing that NFL Commissioner Roger Goodell approved broadcast rights contracts that required them to sign agreements misclassifying them as independent contractors. Moreover, they argue that the NFL was unjustly

enriched by the Bills' wage violations because of the league's revenue-sharing arrangement. The NFL is seeking dismissal of the Complaint as against them.

Professional sports organizations that employ cheerleaders are now on notice of potential wage and hour violations. This past season, even before it settled its lawsuit, the Oakland Raiders began paying cheerleaders minimum wage. A number of organizations already pay their cheerleaders minimum wage. The Bills, on the other hand, "suspended operations" of its cheerleading squad.

To lower the risk of being sued for wage-and-hour violations, employers should review their treatment of independent contractors, full-time and part-time employees, and interns and ensure the individuals are properly classified and compensated.

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