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Lawsuit alleges Nashville hotel workers were underpaid, denied overtime

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Written by [Bobby Allyn](#)
 The Tennessean

A group of hotel housekeepers filed a federal lawsuit on Friday alleging that two downtown hotels owned by a notable real estate investor have for years paid them below the minimum wage and illegally denied them overtime pay.

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According to the lawsuit, the hotels, the Best Western Music Row on Division and the Comfort Inn Downtown on Demonbreun, paid housekeepers as little as \$3.50 an hour and made them work up to 70 hours a week without breaks.

"I am not asking for anything extra. I am only asking for what is fair," said plaintiff Henry Hernandez, 29, who worked in construction in Los Angeles before moving to Nashville some months ago. The worst part, Hernandez said, is that management "didn't do anything to stop it."

Rajesh Aggarwal, 53, of Brentwood, the franchise owner of both hotels, has, over the years, quietly amassed a real estate portfolio of hotels and apartment buildings. Recently his investment group, Global Mall Partnership, purchased a sizable chunk of the long-struggling Hickory Hollow Mall for \$1 million.

Asked about the allegations, Mark Nobles, an attorney representing Aggarwal, said "I'm certain that's untrue," but then declined to comment further.

Advocates at Workers Dignity, a local labor

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Rajesh Aggarwal / Getahn Ward/The Tennessean

rights group working with four plaintiffs in the case, say that cheating workers out of pay is prevalent in low-wage industries.

Most of the housekeepers the hotels employ are Hispanic single women, according to the group. They were often paid a flat rate of between \$650 and \$676 every 15 days, and the workers were sometimes given just one day off per week, the lawsuit said. Working 14-hour days was commonplace.

The lawsuit claims several violations of the Federal Labor Standards Act.

Immigration advocates say wage abuse against migrant workers cuts across several industries in the Nashville area.

"In the absence of a union in their workplace, many unscrupulous employers abuse workers from other countries who aren't familiar with what their rights are in this country," said Stephanie Teatro, advocacy director at Tennessee Immigration and Refugee Rights Coalition.

But Greg Adkins, president of the Tennessee Hospitality Association, said lawsuits brought against hotels are sometimes filed by "disgruntled employees," adding that just because allegations have been made does not mean there was any wrongdoing.

"The hospitality industry in Nashville is one of the hottest areas in the nation," Adkins said. "Our hoteliers strive to abide by all state and federal laws."

In 2011, the U.S. Department of Labor found widespread wage pay abuse among the hotel and motel industry in Tennessee. Federal

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officials discovered 34 hotels across the state, which together were fined \$14,552 in civil penalties and required to pay out more than \$170,000 in back wages for labor violations.

The Tennessee Department of Labor estimates that there are nearly 20,000 employed in cleaning and maintenance jobs statewide. Among them, housekeepers in the state, of which there are more than 8,000, are paid around \$9.86 an hour on average.

The workers named in the suit, by contrast, were allegedly paid between \$3.50 and \$7 an hour. Since Tennessee does not have a minimum wage, the state abides by the federal minimum, which is \$7.25 an hour.

Though the suit, filed by attorney Karla Campbell, names only four plaintiffs, housekeepers who worked for either of the two hotels in the past three years can join the lawsuit. They are seeking class-action status.

During that period, the hotels rung in around \$500,000 in sales, the lawsuit states.

Aggarwal, according to the suit, hired Hernandez last summer to work as a house cleaner at the Best Western on Music Row, working 11-hour shifts six days a week.

The suit says Hernandez, like the other workers, was never required to record his workday hours. Instead, he was paid \$50 a day regardless of how many hours he worked.

Shuffling employees between hotels was common, the lawsuit says. Hernandez quit his job in August and, days later, Aggarwal hired him to work at the Comfort Inn Downtown. He was let go from that hotel in September. Both employers paid him a sub-standard wage, the suit alleges.

“The defendants use fear and intimidation to control their employees,” the lawsuit says, adding that one worker was asked to re-clean a floor six times. That incident “is exemplary of an ongoing custom, pattern or practice of abuse” at the hotels.

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