Claim Alleging Unauthorized Payroll Deductions for Tobacco Surcharge Preempted by ERISA

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In the recent case of *Mebane v. GKN Driveline N. Am., Inc.*, No. 1:18-CV-00892 (M.D.N.C. Nov. 05, 2020), the federal district court held that a claim brought under the North Carolina Wage and Hour Act (?ÃÂ£***NCWHA***?ÃÂ¥) is preempted by ERISA. The employee-plaintiffs in this case alleged their employer violated the NCWHA by deducting from their paychecks, without express authorization, a monetary penalty for those employees who participate in the employer?ÃÃs group health plan and use tobacco products (*i.e.*, a so-called ?ÃÂ£tobacco surcharge?ÃÂ¥). The defendant-employer filed a motion to dismiss this claim for unauthorized payroll deductions as being preempted by ERISA. The court agreed and dismissed the employees?ÃÃ claim, ruling that it was preempted by ERISA. The court?ÃÃs opinion is available **here**.

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