

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

NATASHA GRAYSON,)	
Individually and on behalf of all others)	
similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	
)	
MADISON COUNTY, TENNESSEE)	
)	
Defendant.)	

**Dkt. No. 1:19-cv-1136
JURY TRIAL DEMANDED
FLSA COLLECTIVE ACTION**

COMPLAINT

COMES now the Plaintiff, Natasha Grayson, individually, and on behalf of all other similarly situated persons, alleges the following against the named Defendant:

I. PARTIES, JURISDICTION, AND VENUE

1. This is an action to recover wages and damages owed under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 et seq.

2. This action is brought as a collective action under the FLSA, 29 U.S.C. § 216(b) to recover unpaid wages, overtime wages, liquidated damages, attorneys’ fees and other statutory penalties resulting from violations of the FLSA.

3. This Court has jurisdiction over the subject matter and the parties pursuant to 29 U.S.C. § 216(b), 28 U.S.C. § 1331.

4. Venue is proper in this Court under 28 U.S.C. §§1391(b)(2) and 1391(c) because a substantial part of the events giving rise to the claim occurred within this judicial district.

5. Named Plaintiff and all of the putative class members were nonexempt, hourly employees who worked for the Defendant at the jail(s) it operates and were subject to the same unlawful pay practices in violation of the FLSA as alleged herein.

6. Defendant, Madison County, Tennessee, is a governmental entity duly incorporated under the laws of the State of Tennessee, is subject to the requirements and prohibitions in the FLSA and is and was the employer of all relevant individuals working in the jail(s) operated by the Defendant, both named and unnamed herein, including the Plaintiff and all members of the putative class. Service of process may be obtained on Defendant by serving its County Mayor and designated agent for service of process, Jimmy Harris, 100 East Main Street, Suite 302, Jackson, Tennessee 38301.

7. At all relevant times, Defendant was an “employer” within the meaning of 29 U.S.C. § 203(d) and 29 C.F.R § 791.2 (a)(2012) as well as a “person” within the meaning of 29 U.S.C. § 203(a).

II. FLSA COLLECTIVE ACTION ALLEGATIONS

8. Pursuant to 29 U.S.C. § 216(b), named Plaintiff brings this action on behalf of herself and all persons who presently and formerly employed by Defendant in non-exempt positions subject to Defendant’s unlawful pay practices and policies described herein and who worked for Defendants at any point in the three years preceding the date the instant action was initiated (the members of this putative class are referred to as “Plaintiffs” or “Plaintiff class members”).

9. Named Plaintiff and the Plaintiff class members are and were subjected to the same unlawful wage policies and practices described herein.

10. Named Plaintiff and Plaintiff class members are similarly situated, have

substantially similar non-managerial job duties, have substantially similar pay provisions, and are all subject to Defendants' unlawful policies and practices as described herein.

11. Upon information and belief, there are numerous similarly situated current and former employees of Defendant who were required to work off the clock on a regular basis and were compensated improperly for minimum wage and overtime work in violation of the FLSA and who would benefit from the issuance of a Court Supervised Notice of the instant lawsuit and the opportunity to join in the present lawsuit.

12. Similarly situated employees are known to Defendant, are readily identifiable by Defendant, and can be located through Defendant's records.

13. Therefore, named Plaintiff should be permitted to bring this action as a collective action for and on behalf of herself and those employees similarly situated, pursuant to the "opt-in" provisions of the FLSA, 29 U.S.C. § 216(b).

III. FACTS

14. Defendant hired the named Plaintiff and Plaintiff class members to work in various positions at the jail(s) operated by the Defendant located in Jackson, Madison County, Tennessee.

15. The named Plaintiff and Plaintiff class members would be scheduled to work in specific eight-hour shifts, usually five days week. Named Plaintiff's scheduled shift (and some of the other Plaintiff class members) would usually be from 8:00 a.m. until 4:00 p.m. five days a week. Other employees working for the Defendant at the jails would work a shift beginning at 4:00 p.m. and work until 12:00 a.m. and some would begin at 12:00 a.m. and work until 8:00 a.m. Defendant required the named Plaintiff and the Plaintiff class members to report to work and be ready to start work 15 minutes prior to the "scheduled" start of the shift, (i.e. if named Plaintiff was "scheduled" to work from 8:00 a.m. to 4:00 p.m. she would be required to be at work and ready

to start at 7:45 a.m.) During the time the 15 minutes before “the start of the shift” Plaintiff and the Plaintiff class members would attend roll call and obtain information from supervisors and the employees who had worked the prior shift regarding any issues that needed to be addressed at shift change. Plaintiffs would only be paid for eight hours of work each day at their hourly rate and were not compensated for the 15 minutes “before their shift began” that they were required to work each day.

16. Plaintiff and Plaintiff class members were regularly required to continue to work after the time scheduled for their shift to end. Named Plaintiff and the Plaintiff class members usually worked over an average of 15 to 20 minutes after the scheduled time for their shift to end. Since Plaintiff and Plaintiff class members were only paid for eight hours of work each day, this too resulted in them working for an additional period of time each day for which they were not compensated.

17. Defendants failure to pay the named Plaintiff and Plaintiff class member for all time worked resulted, not only in them not being paid for all of the hours they worked but also required them to work time in excess of 40 hours per week for which they were not paid an overtime premium.

18. Defendants failed to maintain accurate time records of the time named Plaintiff and Plaintiff class members worked at the beginning and end of each shift.

PAYMENT FOR ALL TIME WORKED

19. The Named Plaintiff and Plaintiff class members were not paid for all the time that they work. Instead, Defendant pays the Named Plaintiff and Plaintiff class members their hourly rate for eight hours each shift they worked regardless of the time they worked in excess of eight hours each shift.

20. The Defendants improperly failed to compensate the Named Plaintiff and Plaintiffs for all time they were at work discharging their work-related duties.

OVERTIME COMPENSATION

21. The Named Plaintiffs and Plaintiffs were regularly required to work over forty hours per week.

22. The Fair Labor Standards Act requires an employer to pay its employees at a rate of at least one and one-half their regular rate for time worked in one work week over forty hours. This is commonly known as the time-and-a-half pay for overtime work.

23. Despite working overtime, the Named Plaintiffs and Plaintiffs were not paid time and one-half pay from Defendants for overtime worked as set out above.

WILLFUL VIOLATIONS

24. On information and belief, Defendants have for more than 3 years, willingly, deliberately and intentionally refused to pay Named Plaintiff and Plaintiffs for time actually worked, and for time and one-half pay for overtime worked.

25. Defendants willfully, deliberately and intentionally failed to pay the Named Plaintiff and Plaintiff class members for time actually worked and for time and one-half overtime wages to Named Plaintiff and Plaintiff class members who worked over forty hours per week.

26. Defendants have never claimed that the FLSA laws do not apply to the Named Plaintiffs and Plaintiffs or that the Named Plaintiffs and Plaintiffs are exempt from these requirements.

27.. Named Plaintiffs and Plaintiffs are, therefore, owed compensation for time actually worked but not paid, and time and one-half overtime wages and back wages by Defendants, who willingly and knowingly withheld those wages as well as liquidated damages for these willful and

knowing violations.

IV. STATEMENT OF CLAIMS

29 U.S.C. §§ 207, 216

VIOLATIONS OF FLSA MINIMUM WAGE AND OVERTIME PROVISIONS

28. The foregoing paragraphs are included herein as though fully set forth herein.

29. Defendant is an entity covered by the requirements of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.*

30. At all relevant times, Defendant is and was an employer within the meaning of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.* and is subject to the provisions of such Act.

31. Named Plaintiff and Plaintiff class members at all relevant times were employees of Defendant, as defined by the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.*

32. During the period of time that Named Plaintiff and Plaintiff class members were employed by Defendant, the Named Plaintiff and Plaintiff class members performed work for which they were not compensated and regularly performed for than 40 hours of work per week (overtime work) for which no additional compensation was paid to them by Defendant in violation of the provisions of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.* More specifically, Defendant violated § 7 of the FLSA by failing to pay Named Plaintiff and Plaintiff class members for all the time that they worked and pay them time and one-half overtime wages to hourly non-exempt employees who constitute the Named Plaintiff and Plaintiff class members and earned overtime pay.

33. Upon information and belief, the Defendant's pay system is and has been unilaterally imposed upon Named Plaintiff and Plaintiff class members.

34. The Defendant's failure to compensate the Named Plaintiff and Plaintiff class members for all compensable hours violates the minimum wage provisions of the FLSA and the regulations thereunder.

35. The Defendant's failure to properly administer a scheme of compensation, including but not limited to actual time, overtime and/or comp time compensation violates the overtime provisions of the FLSA and the regulations thereunder.

36. The Defendant's failure to compensate the Named Plaintiff and Plaintiff class members for all compensable hours was a willful and knowing violation of the FLSA.

37. As a result of Defendant's willful and knowing failure to properly compensate the Named Plaintiff and Plaintiff class members, the Named Plaintiff and Plaintiff class members have suffered substantial delays in receipt of wages owed and damages.

38. The Defendant's failure to properly administer a compensation scheme for overtime was a willful and knowing violation of the FLSA.

39. Pursuant to 29 U.S.C. §§ 207, 216, Defendant owes Named Plaintiff and Plaintiff class members compensation for the hours they worked for which they were not paid, compensation for the overtime work for which they were not properly paid and an additional equal amount as liquidated damages, together with an additional sum for attorneys' fees and costs

V. PRAYERS FOR RELIEF

WHEREFORE, Plaintiff requests of this Court the following relief on behalf of himself, all members of the Collective Action, and all other similarly situated individuals:

- a. That the Court certify the collective group named in the instant suit as an opt-in

collective action under 29 U.S.C. § 216(b);

b. That the Court declare the rights and duties of the parties consistent with the relief sought by Plaintiff;

c. That the Court issue a declaratory judgment that Defendant's acts, policies, practices, and procedures complained of herein violated provisions of the Fair Labor Standards Act;

d. That the Court enjoin the Defendant from committing further violations of the Fair Labor Standards Act;

e. That the Court award the named Plaintiff and collective group members compensatory damages and an equal amount of liquidated damages as provided under the law and pursuant to 29 U.S.C. § 216(b);

f. That the Court award the named Plaintiff and the collective group's reasonable attorney's fees, costs, and expenses;

g. That the Court order the Defendant to make the named Plaintiff and the collective group members whole by providing appropriate back pay and other benefits wrongly denied, as well as liquidated damages, in an amount to be shown at trial and other affirmative relief;

i. That the Court award the named Plaintiff and the collective group members such additional relief as the interests of justice may require;

j. That a jury be impaneled to try this cause.

Respectfully submitted,

WEINMAN & ASSOCIATES

s/ Michael L. Weinman
Michael L. Weinman (#015074)
101 N. Highland Ave.
P. O. Box 266
Jackson, TN 38302
Telephone: 731-423-5565
Facsimile: 731-423-5372
Email: mike@weinmanthomas.com

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July, 2019, I electronically filed the foregoing document with the Court's ECF system. Service of this Complaint will be made on Defendant with a summons to be issued by the Clerk per the Federal Rules of Civil Procedure.

s/ Michael L. Weinman
Michael L. Weinman (#015074)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Natasha Grayson

(b) County of Residence of First Listed Plaintiff Madison (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Michael L. Weinman, Weinman & Associates 101 N. Highland Ave., P.O. Box 266, Jackson, TN 38302 (731) 423-5565

DEFENDANTS

Madison County, Tennessee

County of Residence of First Listed Defendant Madison (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (This State, Another State, Foreign Country).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et seq. Brief description of cause: collective action under FLSA, 29 U.S.C. § 216(b) to recover unpaid wages, overtime wages, liquidated damages

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 07/03/2019 SIGNATURE OF ATTORNEY OF RECORD s/ Michael L. Weinman

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Natasha Grayson, Individually and on behalf of all others similarly situated,

Plaintiff(s)

v.

Madison County, Tennessee

Defendant(s)

Civil Action No. 1:19-cv-1136

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Madison County, Tennessee
Designated Agent for service of process:
Mr. Jimmy Harris
100 East Main Street, Suite 302
Jackson, Tennessee 38301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michael L. Weinman
Weinman & Associates
101 N. Highland Ave.
P. O. Box 266
Jackson, TN 38302
(731) 423-5565

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. 1:19-cv-1136

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset