

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JULIE A. SU, Acting Secretary of Labor,)
United States Department of Labor,)
)
Plaintiff,)

v.) Civil Action No.: 24-320

)
NORTH CENTRAL COMMUNITY)
SERVICES PROGRAM AND)
AFFILIATES, d/b/a NORTH CENTRAL)
HEALTH CARE,)
Defendant.)
)

COMPLAINT

Pursuant to Section 217 of the Fair Labor Standards Act, of 1938, as amended (29 U.S.C. § 201 *et seq.*) (“FLSA” or “Act”), Plaintiff, **Julie A. Su**, Acting Secretary of Labor, United States Department of Labor (“Acting Secretary”), brings this action to enjoin and restrain Defendant **North Central Community Services Program and Affiliates, d/b/a North Central Health Care** (“North Central”) from violating Sections 207, 211, 215(a)(2) and 215(a)(5) of the FLSA and to recover unpaid compensation, plus an equal amount in liquidated damages pursuant to Section 216(c) of the Act (29 U.S.C. § 216(c)) for Defendants’ employees.

The Secretary, through the Wage and Hour Division, conducted an investigation of Defendant for compliance with the FLSA. The Secretary’s investigation reviewed Defendant’s employment and pay practices from June 17,

2021, through June 16, 2023 (the “Investigation Period”). Unless stated otherwise, all allegations and conditions described herein pertain to the Investigation Period.¹

Jurisdiction and Venue

1. This Court has jurisdiction of this case. 29 U.S.C. §§ 216(c), 217 and 28 U.S.C. § 1345.

2. This Court is the proper venue because all or a substantial part of the events or omissions giving rise to these allegations occurred in this judicial district.

Defendants

3. Defendant North Central is a multicounty agency within this Court’s jurisdiction with an office at 1100 Lake View Drive, Wasau, WI 54403, where it conducts business.

4. North Central is a medical care partnership between Marathon, Lincoln, and Langlade counties in Wisconsin. It offers a variety of public health services, such as community treatment services, mental health care, substance abuse treatment, and youth crisis care.

5. During the Investigation Period, Defendant engaged in business within Marathon County, within this Court’s jurisdiction.

¹ If Defendants continued to violate the FLSA after the Investigation Period, then the allegations and conditions of pay and employment disclosed are incorporated herein by reference and Defendants may owe additional back wages and liquidated damages to employees.

The FLSA Applies to Defendants

6. North Central is an “enterprise” under the FLSA due to its related activities performed through unified operation or common control and for a common business purpose. 29 U.S.C. § 203(r).

7. North Central is an “enterprise engaged in commerce” under the FLSA, because it had (i) two or more employees who are engaged in or produced goods for commerce; and (ii) an annual gross volume of sales or business done greater than \$500,000 during the Investigation Period. 29 U.S.C. § 203(s)(1)(A).

8. North Central is also an “enterprise that is the activity of a public agency” under the FLSA, because it operates by agreement between three Wisconsin counties. 29 U.S.C. § 203(s)(1)(C).

FLSA Violations

9. Defendant repeatedly violated Sections 207 and 215(a)(2) of the FLSA when it failed to pay their employees 1.5 times their regular rates for hours worked in excess of 40 in a workweek. Specifically, Case Managers employed in North Central’s Community Treatment Program routinely worked overtime for which they were not compensated. 29 U.S.C. §§ 207(a)(1), 215(a)(2).

10. Defendant repeatedly violated Sections 211 and 215(a)(5) of the FLSA when it failed to keep complete and accurate records. 29 U.S.C. §§ 211, 215(a)(5), 29 C.F.R. Part 516. North Central failed to keep complete and accurate records of the overtime worked by Case Managers in the Community Treatment program.

11. Moreover, Defendant repeatedly and willfully violated Sections 207, 211, 215(a)(2) and 215(a)(5) of the FLSA, because Defendant knew or showed reckless disregard for whether the FLSA prohibited its conduct.

12. Specifically, Defendant acted willfully when it created a policy requiring Case Managers to seek approval for overtime but, in practice, refused to approve overtime, in part by refusing to answer phone calls from Case Managers seeking that approval. It also acted willfully when it ignored or failed to address Case Manager complaints about unreasonable workload, resulting in undocumented overtime as Case Managers struggled to meet productivity requirements.

Remedies Sought

13. As a result of their FLSA violations, Defendant owes the employees listed in Exhibit A back wages and liquidated damages, under 29 U.S.C. §§ 216(c), 217. If Defendant continued to violate the FLSA after the Investigation Period, then Defendant may owe additional back wages and liquidated damages to employees.

14. Defendant may also owe additional back wages and liquidated damages during the Investigation Period to employees whose identities are presently unknown to the Secretary.

15. Because Defendant repeatedly and willfully violated the FLSA, the Secretary is entitled to recover back wages and liquidated damages for a three-year period. 29 U.S.C. § 255(a).

Prayer for Relief

As a result of Defendants' repeated and willful FLSA violations, the Secretary respectfully requests this Court enter an Order:

A. Permanently enjoining and restraining Defendant, its officers, agents, servants, employees, and those in active concert or participation with them, from violating Sections 207, 211, 215(a)(2) and 215(a)(5) of the FLSA. 29 U.S.C. § 217(a).

B. Finding Defendant liable for unpaid overtime wages, plus an equal amount in liquidated damages, owing to the employees listed in Exhibit A, as well as to other of Defendant's employees not yet known to the Secretary. 29 U.S.C. § 216(c).

C. If the Court declines to award liquidated damages, then enjoining and restraining Defendant, its officers, agents, employees, and those persons in active concert or participation with Defendant, from withholding unpaid compensation found owing to Defendant's employees, plus prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury under 26 U.S.C. § 6621.

D. Providing such other relief as may be necessary and appropriate.

E. Awarding costs and granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,
SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

s/Alexandra J. Gilewicz

ALEXANDRA J. GILEWICZ

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