

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**DRAVEN SECHREST, and ALANDA)
SHACKELFORD, AND ALL OTHER)
EMPLOYEES OR FORMER)
EMPLOYEES OF THE)
DEFENDANT, SIMILARLY-)
SITUATED,)**

Plaintiffs,

v.

CASE NO. _____

**TENNESSEE VALLEY FAMILY)
SERVICES, INC,)**

Defendants.

COMPLAINT

COME NOW, Draven Sechcrest and Alanda Shackelford on behalf of themselves and all other similarly-situated employees or former employees of the Defendant (“Plaintiffs”), and file their Complaint against Tennessee Valley Family Services, Inc. (“TVFS”) and in support, state as follows:

INTRODUCTION

1. TVFS employ hourly employees within the Northern District of Alabama. TVFS serves a safe house for at homeless, abused and at-risk victims of trafficking. Plaintiffs worked as Youth Advisors at TVFS. Plaintiffs were required to stay overnight several times a week to supervise the residents. They were not

allowed to leave the premises and had to get up several times a night to check on and the residents. Some of the residents are not required to return until 1:00 am and have to get up at 5:00 a.m. in the morning and Plaintiffs were expected to stay up and insure the residents came in and to be up at 5 am when the residents woke up. Plaintiffs routinely worked 60 hours per week on behalf of Defendant, but were only paid for 40 hours in violation of the Fair Labor Standards Act.

JURISDICTION AND VENUE

2. This action arises under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201-219 (1988), including 29 U.S.C. § 216(b) (“FLSA”).

3. This Court maintains subject matter jurisdiction under 29 U.S.C. § 216(b), and 28 U.S.C. § 1337.

4. Venue is proper in this Court as the unlawful employment practices alleged herein have been committed within the Northern District of Alabama.

PARTIES

5. Plaintiff Draven Sechrest is above the age of nineteen (19) and was, at all times relevant hereto, a resident of Madison County, Alabama, and a citizen of the United States of America. Plaintiff Sechrest was employed by Defendants as a “Youth Advisor.”

6. Plaintiff Alanda Shackelford is above the age of nineteen (19) and was, at all times relevant hereto, a resident of Madison County, Alabama, and a citizen of

the United States of America. Plaintiff Shackelford was employed by Defendants as a “Youth Advisor.”

7. As per the allegations *infra*, Plaintiffs have standing to prosecute this action.

8. Plaintiffs bring this action on behalf of themselves and all other similarly-situated employees and former employees of TVFS to recover unpaid wages, overtime compensation, liquidated damages, attorneys’ fees, costs, and other relief due under the provisions of the FLSA.

9. Other, similarly-situated employees are or were employed by TVFS and are referred to herein as “similarly-situated employees” or “others similarly-situated.”

10. Defendant TVFS is an employer engaged in commerce pursuant to the FLSA and 29 U.S.C. § 203(s)(1)(A)(i) and (ii), and, at all times material hereto, engaged in business within the meaning of the FLSA.

11. Defendant TVFS is an employer engaged in commerce pursuant to the FLSA and 29 U.S.C. § 203(s)(1)(A)(i) and (ii), and, at all times material hereto, engaged in business within the meaning of the FLSA.

12. Upon information and belief, Defendant TVFS employed the Plaintiffs and other similarly-situated employees within the meaning of the FLSA, are engaged in interstate commerce, and have an annual gross volume of sales meeting or

exceeding the jurisdictional requirements of the FLSA.

13. Defendant TVFS directly and by and through its duly-authorized agents, participated in, and continue to participate in, payroll decisions involving the Plaintiffs and others similarly-situated, and intentionally, knowingly, and willfully failed and continues to fail to compensate the Plaintiff and others similarly-situated in accordance with the overtime provisions of 29 U.S.C. § 207.

FACTUAL AVERMENTS

Facts Common to All Plaintiffs

14. Plaintiffs worked for Defendant TVFS as Youth Advisors and normally worked 15 hour shifts from 5:00 pm until 8:00 am the following day. Plaintiffs worked this shift 4 times in a 7-day week. This 15-hour shift included time described as “sleep time” for which the Plaintiffs were not paid.

15. During “sleep time” Plaintiffs were not allowed to leave the premises. They were permitted to lie down and try to get some sleep. However, they were also required to get up many times during the night to deal with the residents, such as doing bed checks and teens coming in at different times based on curfews up to 1:00 am. Plaintiffs were required to rise and start the day at 5:00 am. Most nights Plaintiffs received little to no sleep.

16. Prior to 2016, Plaintiffs worked many weeks over 40 hours, but were never paid for time that was considered “sleep time.” However, Plaintiffs were not

allowed to leave during this time and were required to work during this time.

17. When one of the residents was on “suicide watch” the person spending the night was required to get out of bed every two (2) hours to check on this resident.

18. In October 2016, TVFS decided it was only going to pay Plaintiffs on a salary basis and calculated that salary based on a 40-hour work week but required them to work 60 plus hours per week.

19. Defendant failed to make, keep, and preserve records of all hours worked by Plaintiffs and other similarly-situated employees.

20. As a result of Defendant’s record-keeping practices, much of the work performed by Plaintiffs and other similarly-situated employees is unrecorded in Defendant’s time and earnings records.

21. The Parties regularly engage in interstate commerce.

22. Plaintiffs, and others similarly-situated, performed and/or perform duties for the Defendant TVFS and were and are subject to the provisions of the FLSA regarding the payment of overtime compensation and minimum wages.

23. Defendant TVFS, on numerous occasions, employed and continue to employ Plaintiffs and others similarly-situated for hours worked in excess of forty (40) hours in a workweek and failed and refused to compensate them correctly for all such time worked in violation of the provisions of 29 U.S.C. §§ 206(a) and 207(a).

24. Defendants TVFS were required by law to keep and retain possession

of records showing the hours worked and wages paid to Plaintiffs and others similarly-situated.

25. Upon information and belief, Defendant TVFS is aware of the provisions of the FLSA requiring wages to be paid to Plaintiffs and others similarly-situated, but deliberately or in reckless disregard of the Act willfully failed to pay wages due and lawfully owed to the Plaintiff and others similarly-situated.

26. Defendant TVFS by and through their duly-authorized agents, failed to act in good faith and had no reasonable grounds for believing that they were not violating the FLSA.

Plaintiff Alanda Shackelford's Allegations

27. Plaintiff Alanda Shackelford has been employed by TVFS since December 4, 2012.

28. Plaintiff worked 15 hour shifts from 5:00 pm until 8:00 am the following day, all compensable work time. Plaintiffs worked this shift 4 times in a 7-day week but was only paid for forty (40) hours per week. She therefor regularly worked over 40 hours a week with the knowledge of her supervisors.

29. Plaintiff is a non-exempt hourly employee and had no supervisory authority.

Plaintiff Draven Sechrest's Allegations

30. Plaintiff Draven Sechrest was employed by TVFS from October, 2015

to June 2018.

31. Plaintiff regularly worked over 40 hours a week with the knowledge of her supervisors.

32. Plaintiff was a non-exempt hourly employee and had no supervisory authority.

CAUSE OF ACTION

Violation of the Fair Labor Standards Act

33. Plaintiffs reassert the averments set forth in Paragraphs 1 through 32 hereof, as though fully set forth herein.

34. By the actions and omissions described herein, Defendants TVFS violated FLSA and specifically 29 U.S.C. §§ 206(a) and 207(a) as to Plaintiffs and as to individuals similarly-situated.

WHEREFORE, Plaintiffs, on behalf of herself and all other similarly-situated employees or former employees of TVFS, request that judgment be entered herein against Defendant TVFS in the amount due to them and others similarly-situated as the same may hereafter be identified and named prior to or at trial, as unpaid wages, liquidated damages, interest, and costs under the provisions of the Fair Labor Standards Act, that this Court will also allow reasonable attorneys' fees to be paid to Plaintiffs, that Defendant TVFS be held liable for payment of the same, and that this

Court award such other and further relief, including equitable, to which Plaintiffs and others similarly-situated are entitled.

Submitted this the 12th day of October, 2018.

s/ Teri Ryder Mastando _____
Teri Ryder Mastando (ASB-4507-E53T)
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DEFENDANT TO BE SERVED VIA CERTIFIED MAIL

TENNESSEE VALLEY FAMILY SERVICES, INC.
C/O Robert Gibbs
3813 Morrow Street
Guntersville, Alabama 35976

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Youth Advisors Sue Tennessee Valley Family Services for Allegedly Unpaid Wages](#)
