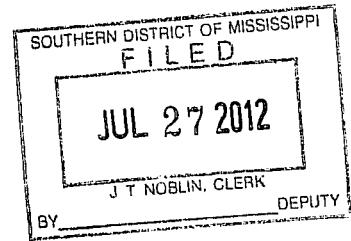


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



DERIUS HARRIS, AND RAY MARSHALL,
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED

PLAINTIFFS

v.

CIVIL ACTION NO.

3:12-cv-542-cwr-lra

HINDS COUNTY, MISSISSIPPI D/B/A
HINDS COUNTY SHERIFF'S DEPARTMENT,
MALCOLM MCMILLAN AND TYRONE LEWIS
IN THEIR OFFICIAL CAPACITIES
AS THE FORMER AND CURRENT SHERIFFS OF
HINDS COUNTY, MISSISSIPPI

DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

COME NOW the Plaintiffs, Derius Harris and Ray Marshall, individually and on behalf of all others similarly situated, and files this action to recover damages for violations of their rights under the Fair Labor Standards Act against the Defendant, Hinds County, Mississippi d/b/a Hinds County Sheriff's Department, Malcolm McMillan and Tyron Lewis in their official capacities as the current and former sheriffs of Hinds County, Mississippi. In support of this cause, the Plaintiffs would show unto the Court the following facts to-wit:

PARTIES

1. The Plaintiff, Derius Harris, is an adult African-American male resident of Hinds County, Mississippi, residing at 2414 Powers Avenue, Jackson, MS 39213.
2. The Plaintiff, Ray Marshall, is an adult African-American male resident of Hinds County, Mississippi, residing at 1595 W. Highland Drive, Apt. B-106, Jackson, MS 39204.

3. Defendant, Hinds County, Mississippi d/b/a Hinds County Sheriff's Department, Malcolm McMillan and Tyrone Lewis in their official capacity as the former sheriff of Hinds County, Mississippi may be served with process of this Court by serving Mr. Tyrone Lewis, Hinds County Sheriff, at 407 East Pascagoula Street, Jackson, Mississippi 39201.

JURISDICTION AND VENUE

4. This Court has federal question jurisdiction and venue is proper pursuant to 29 U.S.C. § 216(b).

STATEMENT OF THE FACTS

5. Plaintiffs and all other similarly situated individuals have been employed with Defendant as non-supervisory employees in the past three years.

6. Defendant has not paid Plaintiffs and all other similarly situated individuals all overtime wages owed to them.

7. Defendant has adopted a compensatory time policy that is improper under the Fair Labor Standards Act.

8. Compensatory time must accrue at the rate of not less than one and a half hours for each hour of overtime work, just as the monetary rate for overtime is paid at the premium rate of not less than one and a half times the regular rate of pay. 29 U.S.C. § 207(o)(1); 29 C.F.R. § 553.20.

9. However, Defendant's illegal compensatory time policy only gives employees compensatory time at a rate of one hour for each hour of overtime work.

10. Employees who are engaged in public safety, emergency response, or seasonal activities may not accrue more than 480 hours of compensatory time. 29

U.S.C. § 207(o)(3)(A); 29 C.F.R. § 553.22

11. However, Defendant's illegal compensatory time policy has no limits on how much compensatory time may be given in lieu of overtime wages.

12. Upon separation of employment, the employer must cash out the employee's accrued unused compensatory time earned. 29 U.S.C. § 307(o)(4).

13. However, Defendant has consistently not paid employees for all compensatory time earned upon their separation of employment.

14. The Department of Labor's regulations also require Defendant to keep accurate records of compensatory time that is earned and used by employees. 29 C.F.R. § 553.50.

15. However, Defendant has consistently not kept accurate records regarding compensatory time for Plaintiffs and all others similarly situated, which has caused Plaintiffs and all others similarly situated to not given the proper amount of compensatory and/or overtime wages that are due to them.

CAUSES OF ACTION

VIOLATION OF THE FAIR LABOR STANDARDS ACT

16. Plaintiffs and other similarly situated individuals were non-exempt employees and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiffs were entitled to overtime pay for all overtime hours worked.

17. The Fair Labor Standards Act requires that employees be paid an overtime premium at a rate not less than one and one-half (1 ½) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

18. Plaintiffs and other similarly situated employees have not been paid overtime compensation under the Fair Labor Standards Act at a rate of 1 ½ their regular rate of pay.

19. Plaintiffs and other similarly situated employees have not been paid minimum wage for every week that they worked for Defendant.

20. The acts of the Defendant constitutes a willful intentional violation of the Fair Labor Standards Act.

WHEREFORE PREMISES CONSIDERED, Plaintiffs respectfully pray that upon hearing of this matter by a jury, the Plaintiffs be granted the following relief in an amount to be determined by the jury:

1. Overtime wages;
2. Liquidated Damages;
3. Attorney fees;
4. Costs and expenses; and
5. Any other relief to which he may be properly entitled.

THIS the 27th day of July 2012.

Respectfully submitted,

By:



Louis H. Watson, Jr. (MB# 9053)
Nick Norris (MB#101574)
Attorneys for Plaintiffs

OF COUNSEL:

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IN THEIR OFFICIAL CAPACITIES
AS THE FORMER AND CURRENT SHERIFFS OF
HINDS COUNTY, MISSISSIPPI

DEFENDANTS

CONSENT TO BECOME PARTY PLAINTIFF

By my signature below, I represent to the Court that I have duly authorized the
filing and prosecution of the above styled Fair Labor Standards Act action in my
name.



SIGNATURE (Sign Your Name)

Ray Marshall
Print Name

1595 West Highland Dr B104
Street Address

Jackson Ms 39204
City, State, Zip Code

ATTORNEYS FOR PLAINTIFFS:

Louis H. Watson, Jr., MB No. 9053
Robert Nicholas Norris, MB No. 101574
LOUIS H. WATSON, JR., P.A.
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Jackson, MS 39202
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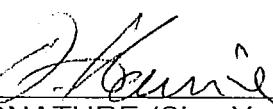
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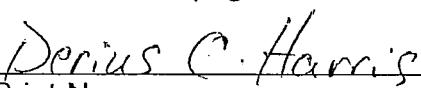
DEFENDANTS

CONSENT TO BECOME PARTY PLAINTIFF

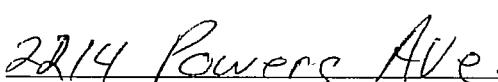
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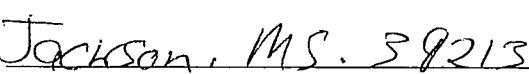
SIGNATURE (Sign Your Name)



Print Name



Street Address



City, State, Zip Code

ATTORNEYS FOR PLAINTIFFS:

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