

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

**CHANELLE FLORENCE,**  
Individually, and on behalf of all those  
similarly situated

Plaintiff,

CIVIL DIVISION

Case No. GD-19-014997

v.

**INTEGRITY HOME CARE LLC,**

Defendant.

**AMENDED COMPLAINT – CLASS  
ACTION**

Filed on Behalf of the Plaintiff:  
CHANELLE FLORENCE

**JURY TRIAL DEMANDED**

COUNSEL OF RECORD THIS PARTY:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents



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**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERRAL SERVICE – Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 261-5555**

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**AMENDED COMPLAINT – CLASS ACTION**

AND NOW COMES the Plaintiff, Chanelle Florence, by and through her attorneys, David M. Manes, Esq., Sean L. Ruppert, Esq., and Prabhu Narahari, Esq., of Ruppert Manes Narahari LLC, and respectfully submits this Class Action Complaint on behalf of herself and all those similarly situated, averring as follows:

**SUMMARY**

1. This action is brought to recover unpaid overtime wages unlawfully withheld from Plaintiff Chanelle Florence and all those similarly situated by the Defendant, Integrity Home Care, LLC, which knowingly refused to pay its non-exempt workers the time-and-a-half pay that they were entitled to in violation of the Pennsylvania Minimum Wage Act (“PMWA”) and the Pennsylvania Wage Payment and Collection Law (“WPCL”).

**PARTIES**

2. Plaintiff, Chanelle Florence, is an adult individual and Pennsylvania resident.

3. Defendant, Integrity is a Pennsylvania limited liability company with a registered address at 2001 5th Street, Altoona, PA 16601 and a regular place of business located at 817 Main Street, Sharpsburg, PA 15215.

4. Defendant paid Plaintiff on a regular payroll basis, based upon the number of hours she worked per week, in exchange for duties performed by the Plaintiff, and for the Defendant, within its regular course of the Defendant's business. All hours and locations of work were dictated by the Defendant.

5. Defendant therefore constitutes an employer, and Plaintiff an employee, within the meaning of the PMWA and the WPCL.

### **CLASS ACTION ALLEGATIONS**

6. This action is brought by Ms. Florence on her own behalf and as a representative of the proposed class consisting of all non-exempt employees of Integrity who worked in excess of 40 hours in any week and did not receive appropriate compensation for overtime hours worked.

7. The Class is so numerous that joinder of all members is impractical. Although the exact size of the Class is currently unknown, Integrity employed over 400 individuals during the relevant time period.

8. Key questions of fact and law are common to all members of the Class, which predominate over any questions which affect only individual members of the Class, including *inter alia*, the following:

- a. Whether employees of Integrity who worked more than 40 hours in a single workweek were exempt or non-exempt from overtime requirements;

- b. Whether Integrity withheld overtime pay despite employees' entitlement to the same;
- c. Whether Integrity acted knowingly when they decided not to pay employees for overtime hours; and
- d. Whether overtime pay owed to employees is to be calculated at a rate of 1.5 times the employees' standard individual wage rates.

9. Ms. Florence's claims are typical of the claims of the other members of the Class which she seeks to represent, in that all similarly situated individuals were not paid 1.5 times their normal wage rate time worked in excess of forty (40) hours per week.

10. Ms. Florence will fairly and adequately protect the interests of the members of the Class, and Ms. Florence has no interests which are adverse to the interests of the Class. This is evidenced by the fact that any rulings in favor of Ms. Florence would be rulings that would benefit any other member of the Class.

11. Ms. Florence has retained competent class action counsel.

12. A class action is superior to other available methods for the fair and efficient adjudication of this controversy, since joinder of all members of the Class is impracticable. Even if individual Class members could afford to pursue their own individual cases,

- a. it would be unduly burdensome to the courts,
- b. it would result in significant delays, and
- c. it would increase expenses to all parties.

13. In the interest of judicial economy, a class action is the appropriate method to bring this action.

## FACTS

14. Ms. Florence began working as an employee for Integrity on or around September 30, 2018.

15. As a Home Health Aide, Ms. Florence's job involved traveling to clients' homes to provide non-professional / non-medical personal care services to sick or elderly individuals. Such services generally included;

- a. helping such individuals move about their homes;
- b. driving such individuals to go shopping and to medical appointments;
- c. assistance in bathing
- d. assistance in traveling to and from the bathroom;
- e. house cleaning; and
- f. cooking.

16. The duties undertaken by Ms. Florence on behalf of the Defendant do not qualify her for any exemption from overtime pay under the under the Pennsylvania Minimum Wage Act. 34 Pa. Code § 231.81 *et seq.*

17. Ms. Florence was hired at a rate of \$10 per hour, which was subsequently adjusted to \$11 per hour beginning on October 28, 2018, as evidenced by the paystub attached hereto as Exhibit 1.

18. Ms. Florence's employment ended on or about May 18, 2019.

19. Over the course of her employment with Integrity, Ms. Florence regularly worked in excess of 40 hours per week, and she even frequently worked in excess of 50 hours per week.

*See Exhibit 1.*

20. Between October 14, 2018 and February 23, 2019, Plaintiff was improperly paid at her normal rate for 1,156.25 overtime hours, which should have been compensated at 1.5 times her normal rate. *Id.*

21. The only occasions on which Plaintiff was paid 1.5 times her normal rate occurred when she would work on holidays. *Id.*

22. Starting with the pay period beginning on February 24, 2019, Integrity began to compensation Ms. Florence 1.5 times her normal rate for time worked in excess of 40 hours per week.

23. Defendant knowingly and purposefully paid her the regular hourly rate for overtime work.

24. Defendant Integrity employs a significant number of Home Health Aides, as well as other employees.

25. Upon information and belief, Integrity adopted a common policy of refusing to pay appropriate overtime compensation to all its employees, which began at the company's inception in June of 2015, and continued through February 24, 2019.

26. Upon information and belief, Integrity has acted willfully in refusing to pay appropriate overtime compensation to all its employees.

### **CAUSE OF ACTION**

#### **Count I – Violation of the Pennsylvania Minimum Wage Act Chanelle Florence, individually and on behalf of all those similarly situated v. Integrity Home Care LLC**

27. The averments contained in the preceding paragraphs are incorporated herein as though set forth at length.

28. The PMWA requires that all employees shall be paid no less than 1.5 times their regular rate of pay for all time worked in excess of 40 hours in a workweek.

29. Defendant Integrity is an employer under the PMWA.

30. Plaintiff is a non-exempt employee under the PMWA.

31. All members of the Class are non-exempt employees under the PMWA.

32. Plaintiff and all members of the Class worked significant overtime hours for Defendant Integrity and have not been compensated at the time-and-a-half rate that is required by Pennsylvania law.

33. Plaintiff and all members of the Class have suffered monetary damages as a result of Defendant Integrity's violations of the PMWA.

WHEREFORE, Plaintiff demands judgment in favor of herself and all those similarly situated and against Defendant Integrity, in excess of the arbitration limits, as follows:

- a. Full back pay for all overtime hours not appropriately compensated to date;
- b. Pre-judgment interest;
- c. Injunctive relief prohibiting the Defendant from violating the PMWA in the future;
- d. All costs associated with this litigation, including Plaintiff's reasonable attorney's fees; and
- e. All such other relief that may be deemed just and proper by the Court

**Count II – Violations of the Wage Payment and Collection Law  
Chanelle Florence, individually and on behalf  
of all those similarly situated v. Integrity Home Care LLC**



34. The averments contained in the preceding paragraphs are incorporated herein as though set forth at length.

35. The WPCL requires that all employers pay all wages due to employees on regular paydays designated in advance by the employer.

36. The WPCL defines “wages” as “all earnings of an employee, regardless of whether determined on time, task, piece, commission, or other method of calculation.”

37. Integrity entered into an agreement with Plaintiff and all those similarly situated to pay wages based on a certain base rate and then failed to pay the full amount due according to that base rate.

38. Integrity violated the WPCL by failing to make these wage payments at 1.5 times Plaintiff’s normal rate.

39. To date, Plaintiff has not received the adequate compensation that she is owed by Integrity.

40. Plaintiff and all members of the Class have suffered monetary damages as a result of Integrity’s violations of the WPCL

WHEREFORE, Plaintiff demands judgment in favor of herself and all those similarly situated and against Defendant Integrity, in excess of the arbitration limits, as follows:

- a. Full back pay for all overtime hours not appropriately compensated to date;
- b. Liquidated damages under the WPCL;
- c. Pre-judgment interest;
- d. Injunctive relief prohibiting the Defendant from violating the WPCL in the future;
- e. All costs associated with this litigation, including Plaintiff’s reasonable attorney’s fees; and

f. All such other relief that may be deemed just and proper by the Court.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "David M. Manes".

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David M. Manes, Esq.

Sean L. Ruppert, Esq.

Prabhu Narahari, Esq.

**RUPPERT MANES NARAHARI LLC**

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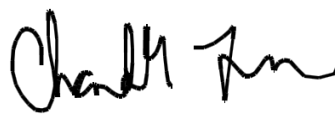
600 Grant St, Suite 4875

Pittsburgh, PA 15219

**VERIFICATION**

I, Chanelle Florence, make this verification and state the averments of fact set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief.

I understand that the statements therein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



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Chanelle Florence

03/10/2020

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Date