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9 Attorneys for Plaintiff  
10 Dawn Jett

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF ARIZONA**

13 **Dawn Jett**, an Arizona resident,  
14 Plaintiff,  
15 v.  
16 **Maricopa County**, a county of the State  
17 of Arizona;  
18 Defendants.

19 Case No.

20 **VERIFIED COMPLAINT**

21 **(Jury Trial Requested)**

22 Plaintiff Dawn Jett (“**Jett**”), for her complaint against Defendant Maricopa County  
23 (the “**County**”) hereby alleges as follows:

24 **PARTIES**

25 1. Plaintiff Jett is, and at all times relevant hereto was, a resident of Maricopa  
26 County, Arizona. At all times relevant to this lawsuit, Jett was an “employee” of the  
27 County, by and through its Human Resources Department, as defined in the Fair Labor  
28 Standards Act, 29 U.S.C. §§ 201-219 (hereinafter “**FLSA**”); the Arizona Employment  
Protection Act (“**EPA**”), A.R.S. § 23-1501, *et seq.*, and the Arizona Earned Paid Sick Time  
Law (“**PSL**”), A.R.S. § 23-371, *et seq.*

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1 Earned Paid Sick Time.

2 12. Jett was entitled to the Floating Holiday and Vacation time pursuant to  
3 County policy and her compensation plan.

4 13. The Floating Holiday and two hours of Vacation had been pre-approved by  
5 Jett's manager, Human Resources Director Jan Plank.

6 14. Jett was entitled to the sixteen hours of Earned Paid Sick Time under  
7 Arizona's paid sick time law, A.R.S. § 23-371, et seq.

8 15. On or about Wednesday, August 8, 2018, Jett was chastised by Plank for  
9 taking too much leave.

10 16. Since the Floating Holiday and the Vacation hours had been pre-approved  
11 by Plank, it is evident that Plank could only be upset about Jett's use of Earned Paid Sick  
12 Time.

13 17. The next day, on Thursday, August 9, 2018, Jett had a conference call with  
14 County Attorney Christina Hamilton.

15 18. [REDACTED]

16 19. Jett believed that Plank was violating state law with respect to how she was  
17 administering various county policies.

18 20. Jett reported that Plank did not enforce county policy or Arizona law related  
19 to Earned Paid Sick Leave.

20 21. Jett also reported that Plank did not enforce county policy or Arizona law  
21 related to salaried employee benefits and other aspects of employee compensation and  
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1 leave governed by her department.

2 22. Jett complained that pay and leave policies with respect to exempt staff were  
3 not being uniformly enforced in violation of the FLSA.  
4

5 23. For one example, Jett believed that forcing an exempt employee to use  
6 incremental vacation or sick time violated the FLSA.

7 24. Jett reported that Plank required exempt employees to clock in and clock out.

8 25. Jett also reported that Plank required employees to use vacation and sick time  
9 for absences that were less than a full day.  
10

11 26. Jett informed Hamilton that she believed both of these practices violated the  
12 FLSA.

13 27. [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 28. [REDACTED]  
17 [REDACTED]

18 29. Later that same day, Jett held a one-on-one meeting with Plank.

19 30. During this meeting, Plank once again complained about Jett's "excessive"  
20 use of leave.  
21

22 31. The next day, Friday August 10, 2018, Plank sent an email terminating Jett  
23 for reporting potential FLSA violations, PSL violations, and other violations of Arizona  
24 law to the county attorney.  
25

26 **COUNT I**  
27 **FLSA RETALIATION, 29 U.S.C. § 216(b)**

28 32. Plaintiffs incorporate by reference all of the above allegations as though fully  
set forth herein.



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1 43. Plaintiff disclosed these violations of law to individuals in managerial or  
2 supervisory positions that had the authority to investigate or take action to prevent further  
3 violations.

4 44. Plaintiff was terminated for making these complaints.

5 45. Plaintiff was damaged in an amount to be proven at trial.

6  
7 **COUNT III**  
8 **ARIZONA EARNED PAID SICK TIME LAW**

9 46. Plaintiff reasserts and realleges each and every assertion and allegation in  
10 this complaint as if fully set forth herein.

11 47. At all relevant times, Plaintiff was an employee under A.R.S. § 23-371, et  
12 seq.

13 48. At all relevant times, Defendant was an employer under A.R.S. § 23-371, et  
14 seq.

15 49. Defendant violated A.R.S. § 23-374 by retaliating and discriminating against  
16 Plaintiff for exercising rights protected by PSL.

17 50. Plaintiff took sixteen hours of Earned Paid Sick Time.

18 51. Plaintiff also complained that Defendant was not properly enforcing PSL.

19 52. Defendant took unlawful personnel action against Plaintiff within 90-days of  
20 her exercising her rights under PSL, and therefore the presumption is raised that such action  
21 was retaliatory pursuant to A.R.S. § 23-364.

22 53. Plaintiff was terminated because of her use of Earned Paid Sick Time and/or  
23 because of her complaints concerning Defendant's enforcement of PSL.

24  
25 **CONCLUSION AND PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiffs pray:

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- A. An award of damages for all counts in an amount to be proven at trial;
- B. Granting a judgment requiring Defendant to pay appropriate back wages and front wages, and benefits, in an amount to be determined at trial;
- C. Ordering Defendant to provide compensation to Plaintiff for non-pecuniary losses, including pain, suffering, and humiliation resulting from Defendant’s conduct set forth herein;
- D. Ordering Defendant to pay Plaintiff punitive and liquidated damages for Defendants’ conduct set forth above; and
- E. An award of attorneys’ fees and costs;
- F. An award of pre and post judgment interest; and
- G. Any other remedies or judgments deemed just and equitable by this Court.

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury of all issues so triable.

RESPECTFULLY SUBMITTED April 30, 2019.

**ZOLDAN LAW GROUP, PLLC**

By: /s/ Jessica Miller  
14500 N. Northsight Blvd.  
Suite 133  
Scottsdale, AZ 85260  
Attorneys for Plaintiff Dawn Jett

**VERIFICATION**

Plaintiff Dawn Jett declares under penalty of perjury that she has read the foregoing Verified Complaint and is familiar with the contents thereof. The matters asserted therein are true and based on her personal knowledge, except as to those matters stated upon information and belief, and as to those matters, she believes them to be true.

*Dawn M. Jett*

\_\_\_\_\_  
Dawn M. Jett

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