

activity, and to enjoin Defendants from any further intimidation or harassment of their employees. The Acting Secretary seeks an order directing Defendants to notify their employees that they will not retaliate against them if they speak to or otherwise cooperate with the Acting Secretary's investigation and that employees may provide any information they wish to the Acting Secretary. The Acting Secretary also seeks to toll the statute of limitations retroactively to March 18, 2024 due to the significant delays in the investigation already caused by Defendants' obstruction. Finally, the Acting Secretary seeks punitive damages for Defendants' violations of the FLSA's antiretaliation provision.

1. Jurisdiction of this action is conferred upon the Court by Section 17 of the FLSA, 29 U.S.C. § 217, and by 28 U.S.C. §§ 1331 and 1345.
2. Defendant Lifeline, Inc. is a corporation organized under the laws of Maryland and having its principal office and place of business located at 5632 Annapolis Road, Suite 6, Bladensburg, Maryland.
3. Defendant Rhoda Makinde is the owner, operator, and manager of Lifeline and resides at 8909 Harvest Square Ct. Potomac, Maryland. Therefore, she is a resident of Maryland within the jurisdiction of this Court.
4. Defendants violated the provisions of Section 15(a)(3) of the FLSA, 29 U.S.C. §215(a)(3), by retaliating against, intimidating, and otherwise coercing employees in an effort to obstruct an ongoing investigation by the Acting Secretary of Labor.
5. During the relevant time period, Lifeline operated as a home healthcare agency to provide domestic services for clients in Baltimore, Maryland and the District of Columbia.
6. During the relevant time period, Lifeline employed domestic home care workers known as Direct Support Professionals ("DSP") to provide domestic services to clients.

7. Defendants paid DSPs on an hourly basis and maintained a policy of not paying overtime rates to all employees, including DSPs, even where those employees worked more than 40 hours in a given workweek.

8. Defendants were aware of their obligation to pay overtime wages to employees and developed, implemented, and effected schemes to avoid paying overtime wages to employees.

9. Defendants maintained an employment practice where all new hires were required to sign an unlawful affidavit in which they were required to agree to not receive overtime wages as part of their hiring application.

10. Defendants further sought to avoid paying overtime wages to employees by hiring individuals who had emigrated from Africa because they believed they were likely to be financially dependent on their job and, as a result, less likely to file a complaint with the U.S. Department of Labor regarding their unlawful pay practices.

11. On March 18, 2024, Wage and Hour Investigator (“WHI”) Monica Marin notified Defendants of an open Fair Labor Standards Act investigation when she sent an appointment letter to Defendants that included an FLSA Handy Reference Guide, Fact Sheet #21 – Record Keeping, Fact Sheet #44 – Visit to Employer, and Fact Sheet # 77A – Prohibit Retaliation.

12. Each document that WHI Marin attached told Defendants that retaliation was prohibited under the FLSA and further requested payroll and time records, including time cares and corresponding paychecks.

13. Subsequently, in or about March 2024, it was observed by various employees that Defendant Rhoda Makinde began searching through individual employee work email accounts for all office employees to ascertain whether employees had been communicating with the U.S. Department of Labor. Defendant Rhoda Makinde further locked employees out of their email accounts and reassigned new passwords to employees to ensure Defendants had access to all

employee email communications. Prior to learning of the U.S. Department of Labor investigation, Defendants had never undertaken such actions.

14. On or about April 8, 2024, Defendant Rhoda Makinde directed administrative staff employees to falsify payroll records to interfere with the U.S. Department of Labor's investigation into Defendants' pay practices.

15. Subsequently, Defendant Rhoda Makinde caused to be transmitted to the U.S. Department of Labor falsified payroll records that did not reflect all hours worked by certain employees and to hide their practice of not paying overtime rates for overtime hours worked.

16. Commencing in or about June 2024 and continuing to present, Defendant Rhoda Makinde began terminating or constructively terminating the employment of employees she suspected of having cooperated with the U.S. Department of Labor investigation or having communicated with individuals Defendant Rhoda Makinde suspected of having cooperated with the U.S. Department of Labor investigation. Defendant Rhoda Makinde would constructively terminate the employment of those employees by significantly reducing their work hours or removing them indefinitely from their client assignments.

17. By engaging in the conduct set forth above, Defendants violated section 15(a)(3) of the Act, by hindering and obstructing employees from engaging, or preparing to engage, in activity that is protected by the Act, specifically participating in an investigation conducted by the Secretary through her agents the WHD investigators.

18. As a result of Defendants' actions, a reasonable employee would be dissuaded from engaging in activities protected under the Act, such as cooperating with an investigation by the Secretary into violations of the FLSA.

19. Through their actions described above, Defendants have also violated Section 11(a) of the FLSA, 29 U.S.C. § 211(a) by interfering with the Acting Secretary's investigation

regarding Defendants' compliance (or lack thereof) with the FLSA. Defendants obstructed and hindered the employees' ability to participate in the protected activity of participating in WHD investigation by being interviewed by a WHD investigator.

WHEREFORE, cause having been shown, Plaintiff respectfully prays for judgment against Defendants providing the following relief:

1. An injunction issued pursuant to section 17 of the Act permanently restraining Defendants Lifeline, Inc. and its owner Rhoda Makinde, their officers, agents, employees, and those persons in active concern or participation with Defendants, who receive actual notice of any such judgment, from violating the provisions of section 15(a)(3) and 11(a) of the FLSA, 29 U.S.C. §§ 211(a) and 215(a)(3), including by intimidating, coercing, or threatening in any other way against any current or former employee, because the employee engaged in protected activity under the FLSA;

2. An Order awarding punitive damages for Defendants' obstructionist and threatening behavior toward their employees in violation of Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3);

3. An Order requiring Defendants to inform their employees that they will not retaliate against employees who speak to representatives of the Acting Secretary of Labor and that employees are free to provide whatever information the employee chooses to provide;

4. An Order tolling the statute of limitations, 29 U.S.C. § 255(a), retroactively from March 18, 2024, which is the date that the investigation began and when Defendants threatened employees and/or obstructed the Acting Secretary of Labor's investigation;

5. An Order awarding the Secretary all costs of this action; and

6. An Order awarding the Secretary with any other and further relief as may be necessary and appropriate.

Respectfully submitted,

Mailing Address:

UNITED STATES DEPARTMENT OF LABOR

U.S. Department of Labor
Office of the Regional Solicitor
1835 Market Street
Mailstop SOL/22
Philadelphia, PA 19103

Seema Nanda
Solicitor of Labor

Samantha N. Thomas
Regional Solicitor

(215) 861-5140 (voice)
(215) 861-5162 (fax)

Channah Broyde
Associate Regional Solicitor

unger.erik.s@dol.gov
kuschel.elizabeth.a@dol.gov

Elizabeth A. Kuschel
Acting Wage and Hour Counsel

Date: August 13, 2024

/s/ Elizabeth A. Kuschel
Elizabeth A. Kuschel
Senior Trial Attorney
PA 318537

/s/ Erik S. Unger
Erik S. Unger
Trial Attorney
PA 323903
NJ 303442019
NY 4670675
Admission Pro hac vice pending

/s/ Priom Ahmed
Priom Ahmed
Trial Attorney
Admission pro hac vice pending

Attorneys for Plaintiff