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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

RHEANNON ANDROCKITIS, individually  
and on behalf of all persons similarly  
situated,

No. 20-2-07137-4 SEA

CLASS ACTION COMPLAINT  
FOR DAMAGES

Plaintiff,

v.

VIRGINIA MASON MEDICAL CENTER,  
a Washington corporation,

Defendant.

**I. NATURE OF ACTION**

1.1. Plaintiff Rheannon Androckitis brings this wage and hour class action for money damages and statutory penalties on behalf of similarly situated current and former hourly-paid employees of Defendant Virginia Mason Medical Center (“Virginia Mason”). Plaintiff alleges that Virginia Mason violated the Washington Industrial Welfare Act (“IWA”), RCW 49.12, Minimum Wage Act (“MWA”), RCW 49.46, and Wage Rebate Act (“WRA”), RCW 49.52, by failing to provide additional compensation to herself and the putative class members for missed meal and rest breaks and hours worked during missed meal and rest breaks.

1 **II. JURISDICTION AND VENUE**

2 2.1. The Superior Court of Washington has jurisdiction of Plaintiff's claims  
3 pursuant to RCW 2.08.010.

4 2.2. Venue in King County is appropriate pursuant to RCW 4.12.025.

5 2.3. All or most of the acts and omissions alleged herein took place in King  
6 County.

7 **III. PARTIES**

8 3.1. Plaintiff Rheannon Androckitis is a resident of Kitsap County, Washington  
9 and is employed as an hourly-paid nurse at Virginia Mason Medical Center in Seattle,  
10 Washington.

11 3.2. Defendant Virginia Mason Medical Center is a Washington non-profit  
12 corporation with its principal place of business in Seattle, Washington. Virginia Mason does  
13 business in King County and in the state of Washington and is an "employer" for purposes of  
14 the IWA, the MWA, and the WRA.

15 **IV. STATEMENT OF FACTS**

16 4.1. Plaintiff and members of the putative class of hourly-paid workers were or are  
17 employed by Virginia Mason.

18 4.2. On information and belief, during all relevant times, Virginia Mason used an  
19 electronic timekeeping system that automatically deducted a half-hour from the hours  
20 worked by Plaintiff and class members during shifts longer than five hours to account for a  
21 presumptive unpaid meal break.

22 4.3. If employees did not in fact receive a 30-minute unpaid meal break, they  
23 could record a "Missed Meal Break" in the timekeeping system.



1 Mason's electronic timekeeping system beginning three years prior to the filing of this  
2 Complaint and continuing thereafter.

3 5.2. Plaintiff's claims are properly maintainable as a class action under CR 23(a)  
4 and (b)(3).

5 5.3. Pursuant to CR 23(a)(1), it is impracticable to join all of the members of the  
6 class as defined herein as named plaintiffs.

7 5.4. Pursuant to CR 23(a)(2), there are questions of law and fact common to the  
8 class including, but not limited to: whether Virginia Mason failed to add automatically  
9 deducted meal hours to class members' hours worked when they recorded missed meal  
10 breaks in its timekeeping system; whether Virginia Mason failed to pay class members  
11 compensation for time worked during missed meal breaks; whether Virginia Mason failed to  
12 pay class members additional compensation for missed meal and rest breaks; whether these  
13 failures violated the IWA and the MWA; whether Virginia Mason acted willfully and with  
14 intent to deprive class members of their proper wages by virtue of the foregoing.

15 5.5. Pursuant to CR 23(a)(3), the named Plaintiff's wage and hour claims are  
16 typical of the claims of all class members and of the anticipated defenses thereto.

17 5.6. The named Plaintiff will fairly and adequately protect the interests of the class  
18 as required by CR 23(a)(4).

19 5.7. Pursuant to CR 23(b)(3), class certification is appropriate here because  
20 questions of law or fact common to members of the class predominate over any questions  
21 affecting only individual members and because a class action is superior to other available  
22 methods for the fair and efficient adjudication of the controversy.

1 **VI. CLAIMS FOR RELIEF**

2 **FIRST CAUSE OF ACTION – VIOLATION OF THE MWA**

3 6.1. The Washington Minimum Wage Act, RCW 49.46 *et seq.*, requires employers  
4 to compensate hourly-paid employees at a rate of not less than the statutory minimum wage  
5 for each hour of work.

6 6.2. Defendant Virginia Mason violated the MWA by automatically deducting a  
7 half-hour for meal breaks from the work hours of Plaintiff and the members of the class and  
8 not restoring that time when Plaintiff and the class members recorded missed meal breaks in  
9 the electronic timekeeping system. This practice meant that Plaintiff and the class members  
10 did not get paid for the time they actually worked during the deducted meal hours.

11 6.3. As a result of Defendant’s acts and omissions, Plaintiff and members of the  
12 class have been damaged in amounts to be proven at trial.

13 **SECOND CAUSE OF ACTION – VIOLATION OF THE IWA**

14 6.4. The Washington Industrial Welfare Act, RCW 49.12, and its implementing  
15 regulation, WAC 296-126-092, provide that employers shall not require employees to work  
16 more than five hours without an uninterrupted, work-free 30-minute meal break.

17 6.5. If employees are required to work more than five hours without an  
18 uninterrupted, 30-minute meal break, they are due additional compensation for that time.

19 6.6. Defendant violated the IWA and its implementing regulation by failing to  
20 provide Plaintiff and members of the class with additional compensation when they recorded  
21 missed meal breaks in the electronic timekeeping system.

22 6.7. As a result of Defendant’s acts and omissions, Plaintiff and members of the  
23 class have been damaged in amounts to be proven at trial.



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**VII. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests this Court enter an order granting her and the putative class members the following relief:

- A. Certification of this case as a class action;
- B. Damages and lost wages in amounts to be proven at trial;
- C. Exemplary damages in amounts equal to double the wages due to Plaintiff and the putative class members, pursuant to RCW 49.52.070;
- D. Attorneys' fees and costs pursuant to RCW 49.46.090, RCW 49.48.030, and RCW 49.52.070;
- E. Prejudgment interest; and
- F. Such other and further relief as the Court deems just and proper.

DATED this 24th day of March, 2020.

SCHROETER GOLDMARK & BENDER

s/ Jamal N. Whitehead  
Jamal N. Whitehead, WSBA #39818

*Attorney for Plaintiff*