



11. Plaintiff was a fifty-two week personnel in her position with Defendant.
12. As an employee with over eleven years working for Defendant, Plaintiff earned three (3) hours of vacation pay for each forty (40) hour week of work.
13. Plaintiff earned 120 vacation hours based upon her work from July 1, 2021 to June 18, 2022.
14. Plaintiff was to eligible to use these vacation hours starting on July 1, 2023.
15. Plaintiff retired, voluntarily quit, her employment with Defendant on June 18, 2022.
16. The pay date for the pay period including June 18, 2022 was July 1, 2022.
17. Defendant failed to pay Plaintiff the 120 earned vacation hours earned during the last school year worked by Plaintiff on her July 1, 2022 pay check.
18. Defendant has not paid Plaintiff the 120 earned vacation hours earned during the last school year worked by Plaintiff to date.
19. Defendant did not have a good faith basis for failing to pay Plaintiff her earned vacation wages.

### **III. Cause of Action**

#### **Count I**

#### **Wage Payment Statute, I.C. §22-2-5 et. seq.**

20. Plaintiff incorporates paragraphs 1 through 19 by reference herein.
21. Defendant is an employer pursuant to the Wage Payment Statute.
22. Defendant failed to pay Plaintiff her wages due and owing.
23. Defendant failed to make a contribution to the Indiana Public Employee Retirement Fund on behalf of Plaintiff based upon the earned vacation wages.
24. Plaintiff has been damaged by Defendant's violations of the Wage Payment Statute.

WHEREFORE, Plaintiff prays that the Court enter a Judgment in favor of Plaintiff and against Defendant for wages owed, contribution to the Plaintiff's PERF, liquidated damages, prejudgment interest, attorney fees, costs of this action, and for all other relief which is just and proper in the premises.

Respectfully Submitted,

WELDY LAW

/s/Ronald E. Weldy  
Ronald E. Weldy, #22571-49

#### **IV. Jury Demand**

25. Plaintiff incorporates paragraphs 1 through 24 by reference herein.
26. Plaintiff demands a trial by jury.

Respectfully Submitted,

WELDY LAW

/s/Ronald E. Weldy  
Ronald E. Weldy, #22571-49  
Counsel for Plaintiff  
Tawnya Jones

Weldy Law  
11268 Governors Lane  
Fishers, IN 46037  
Tel: (317) 289-0483  
Fax (317) 288-4013  
E-mail: [rweldy@weldylegal.com](mailto:rweldy@weldylegal.com)