



4. Defendant Citizens Financial Group, Inc. (“CFG”) is a financial holding company and a Delaware Corporation doing business in the state of Pennsylvania. CFG’s principal place of business is located at One Citizens Plaza, Providence, Rhode Island.

5. Defendant RBS Citizens, N.A. is a corporate entity headquartered at One Citizens Plaza, Providence, Rhode Island.

6. Defendant Citizens Bank of Pennsylvania is a corporate entity headquartered at 1701 John F. Kennedy Boulevard, Philadelphia, Pennsylvania.

7. Defendants RBS Citizens, N.A. and Defendant Citizens Bank of Pennsylvania are wholly-owned bank subsidiaries of CFG that jointly operate hundreds of retail bank branches under the “Citizens Bank” brand throughout Pennsylvania, New Jersey, Delaware, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

8. Defendants Citizens Financial Group, Inc., RBS Citizens, N.A., and Citizens Bank of Pennsylvania are collectively referred to herein as “Defendants.”

9. Defendants are engaged in the interstate commerce and/or in the production of goods for commerce.

10. Defendants, individually and collectively, have employed thousands of employees engaged in interstate commerce.

11. Defendants are establishments engaged in related activities performed through a unified operation or common control for a common business purpose.

12. Defendants have gross operating revenues well in excess of \$500,000.00.

13. Defendants are employers covered by the FLSA.

**FACTS**

14. From approximately October 2007 until August 2008, Plaintiff was employed by Defendants as an Assistant Branch Manager (“ABM”) and was assigned to Defendants’ Monroeville Giant Eagle branch in Monroeville, Pennsylvania. The following factual allegations pertain to Plaintiff’s employment as an ABM.

15. Plaintiff’s primary duties did not include managing either his assigned branch or any department or subdivision thereof.

16. Plaintiff spent the great majority of his time performing the same duties as hourly personal bankers and tellers. These duties included, *inter alia*, servicing bank customers and performing basic, non-managerial bank teller duties.

17. Plaintiff did not have the authority to hire or fire other employees and did not make any suggestions or recommendations as to the hiring, firing, advancement, promotion or other change of status of employees.

18. Plaintiff did not perform job evaluations of other employees.

19. Plaintiff did not have the authority to set or adjust other employees’ rates of pay or hours of work.

20. Plaintiff did not customarily and regularly direct the work of two or more employees.

21. Plaintiff did not perform work directly related to the management or general business operations of Defendants or Defendants’ customers.

22. Plaintiff did not exercise discretion or independent judgment with respect to matters of significance.

23. Plaintiff did not make any decisions regarding the branch's financial budget such as planning or controlling the branch's budget.

24. Plaintiff was paid a weekly salary.

25. Plaintiff often worked in excess of 40 hours per workweek. In particular, Plaintiff currently estimates that he worked 45-50 hours during a typical workweek

26. Defendants did not pay Plaintiff any compensation for hours worked over 40 during the workweek.

27. In addition to Plaintiff, Defendants employ hundreds of ABMs at their Citizens Bank branch locations throughout Pennsylvania, New Jersey, Delaware, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island and Vermont.

28. Regardless of branch location, Defendants' ABMs are paid a salary, regularly work in excess of 40 hours per week, receive no compensation for hours worked over 40 during the workweek, and work pursuant to companywide practices and procedures that strictly limit their ability to perform meaningful executive or administrative functions within the branch locations.

29. Defendants have acted willfully and with reckless disregard of clearly applicable FLSA provisions by failing to compensate Plaintiff and the class members for hours worked in excess of 40 during the workweek and, with respect to such hours, failing to compensate Plaintiff and other ABMs based upon the overtime premium pay rate of one and one-half times their regular pay rate.

#### **COLLECTIVE ACTION ALLEGATIONS**

30. Plaintiff brings this lawsuit as a collective action pursuant to 29 U.S.C. §216(b) of the FLSA, on behalf of the following class of potential opt-in litigants:

All Assistant Branch Managers employed at Citizens Bank retail branches during any workweek since March 10, 2010 who were paid a salary and classified by Defendants as exempt from the FLSA's overtime pay mandates.

31. Plaintiff and the above-defined class members are similarly situated based upon, *inter alia*, the reasons described in paragraph 28.

**COUNT I**  
**(Alleging Violations of the FLSA)**

32. All previous paragraphs are incorporated as though fully set forth herein.

33. Plaintiff and the class members are employees entitled to the FLSA's protections.

34. Defendants are employers covered by the FLSA.

35. The FLSA entitles employees to compensation for every hour worked in a workweek. *See* 29 U.S.C. § 206(b).

36. The FLSA entitles employees to overtime compensation "not less than one and one-half times" their regular rate of pay for all hours worked over 40 in a workweek. *See* 29 U.S.C. § 207(a)(1).

37. Defendants violated the FLSA by failing to compensate Plaintiff and the class members for hours worked in excess of 40 during the workweek and, with respect to such hours, failing to compensate Plaintiff and the class members based upon the overtime premium pay rate of one and one-half times their regular pay rate.

38. In violating the FLSA, Defendants acted willfully and with reckless disregard of clearly applicable FLSA provisions and, thus, have committed a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff seeks the following relief on behalf of himself and other similarly situated employees who opt-in to this action:

- A. An order permitting this litigation to proceed as a collective action pursuant to 29 U.S.C. § 216(b);
- B. Prompt notice, pursuant to 29 U.S.C. § 216(b), of this litigation to all class members apprising them of the pendency of this action and permitting them to assert timely FLSA claims by joining this action;
- C. An injunction prohibiting Defendants from engaging in the unlawful conduct alleged herein;
- D. A declaratory judgment that the practices alleged herein violate the FLSA;
- E. Back pay damages and prejudgment interest to the fullest extent permitted under the law;
- F. Liquidated damages to the fullest extent permitted under the law;
- G. Litigation costs, expenses, and attorneys' fees to the fullest extent permitted under the law; and
- H. Such other and further relief as this Court deems just and proper.

**JURY TRIAL DEMANDED**

Plaintiff demands a jury trial as to all claims so triable.

Date: March 10, 2010

/s/ Peter Winebrake  
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