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LAW OFFICE OF ARASH N. ALIZADEH

February 3, 2016

VIA CERTIFIED MAIL

Attn: PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

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Subject: *Josue Uribe v. Crown Building Maintenance Co.*

Dear Representative:

This office represents Josue Uribe (Employee), an employee of Crown Building Maintenance Co. (Employer).

Employer may be contacted directly at:

Crown Building Maintenance Co. d/b/a Able Services
868 Folsom Street
San Francisco, CA 94107

Employee intends to seek penalties on behalf of Employee and other current and former employees for violations of the California Labor Code, which are recoverable under California Labor Code §2699 et seq. Employee is seeking penalties on behalf of the State of California of which 75% will be kept by the state, while 25% will be available to aggrieved employees. This letter is sent in compliance with the reporting requirements of California Labor Code §2699.3.

At all times alleged herein, Employer was, and is, America's largest family-owned provider of Janitorial, Engineering, and Facility solutions. Employer was established in 1926 and serves customers at their facilities throughout California. Employee worked as a day porter at Employer's worksite in Costa Mesa, CA from approximately May 2013 through some time in November 2015 when Employee went on disability leave due to an on the job knee injury. Employee worked at an apartment complex site and his duties included sweeping, mopping, vacuuming, blowing leaves and other similar tasks. Employee used different chemicals, detergents, and cleaning supplies in performing his tasks and he always used a cart that held said cleaning material and equipment that he pushed around in his job site. Employee's job duties were essentially similar to a janitor. Employee was required to wear a uniform provided by the

company, but the company did not maintain the uniform. Due to heavy chemicals that came in contact with Employee's uniform, he had to wash the uniforms in separate wash loads to avoid damaging his personal clothes. Employer also required Employee to purchase his own slip-resistant shoes. Employer violated the following Labor Code sections:

- Labor Code § 204 by failing to pay all wages due to Employee and other current and former employees semimonthly. This violation is based on the theory that Employee was entitled to reimbursement of expenses incurred for maintaining his uniform and purchasing his own slip resistant shoe that he had no other use or need for other than to perform his job. These expenses are considered wages. *See Department of Industrial Relations etc. v. UI Video Stores, Inc.*, 55 Cal.App.4th 1084 (1997). By failing to reimburse Employee semimonthly, Employer failed to pay Employees all his wages semimonthly. Thus Employer violated section 204 by failing to reimburse him.

-Labor Code § 210 by violating section 204 as stated above. Section 210 entitles Employee to civil penalties for Employer's violation of section 204.

-Labor Code § 226 subsection (a)(1), by failing to provide Employee with his paycheck an itemized statement in writing showing gross wages earned. This is due to Employer's failure to reimburse Employee as explained above for section 204.

-Labor Code § 1198 by violating Wage Order No. 5, paragraphs 9 and 20. This is due to Employer's failure to reimburse Employee as explained above for section 204.

-Labor Code § 1199 by causing Employee to work under conditions prohibited by Wage Order No. 5, paragraphs 9 and 20. This is due to Employer's failure to reimburse Employee as explained above for section 204.

-Labor Code § 2802 by failing to reimburse Employee for Expenses incurred for purchasing slip resistant shoes and maintaining his uniform.

-Labor Code § 6401 by failing to provide Employee with slip-resistant shoes. Section 6401 imposes a duty on Employer to furnish safety devices and safeguard. Slip-resistant shoes are a safety device and safeguard necessary to render Employee's employment and place of employment safe and healthful. Employer failed to provide slip-resistant shoes to Employee in violation of section 6401.

-Labor Code § 6401.7 by failing to implement and maintain an injury prevention program because Employer failed to provide an occupational safety and training program, conduct periodic safety inspections, implement a system for correcting unsafe and unhealthy conditions, failure to provide a discipline system, among other omissions that violate section 6401.7.

-Labor Code § 6403 by failing to provide Employee with slip-resistant shoes. Section 6403 imposes a duty on Employer to furnish safety devices and safeguard. Slip-resistant shoes are a safety device and safeguard necessary to render Employee's employment and place of

employment safe and healthful. Employer failed to provide slip-resistant shoes to Employee in violation of section 6403.

Therefore, on behalf of all affected employees, Employee seeks all applicable penalties related to these violations of the California Labor Code pursuant to California's "Labor Code Private Attorney General Act of 2004."

Thank you for your attention to this matter. If you have any questions, please contact me.

Dated: February 3, 2016

LAW OFFICE OF ARASH N. ALIZADEH



ARASH N. ALIZADEH
Attorney for Employee

CC by Cert. mail:
Crown Building Maintenance Co.
Division of Occupational Safety and Health

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