JUSTICE FOR WORKERS
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April 27, 2026

VIA PAGA ONLINE FILING ONLY

California Labor and Workforce Development Agency
Attn: PAGA Administrator
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
https://dir.tfaforms.net/308

Re: ***Rakisha Washington v. Wells Fargo Bank, National Association***
Notice of Private Attorneys General Act Claim

Dear PAGA Administrator:

This office has been retained by aggrieved employee Rakisha Washington ("Plaintiff") concerning a representative action pursuant to the Private Attorneys General Act of 2004, California Labor Code §§ 2698, *et seq*. ("PAGA") against Wells Fargo Bank, National Association (including any and all affiliates, subsidiaries, parents, directors, officers, managing agents, and executive employees) (collectively referred to as "Defendants") for violations of California wage and hour laws. Plaintiff seeks civil penalties for violations of the Labor Code and all other remedies available under PAGA.

Plaintiff seeks these remedies on behalf of the State of California and "aggrieved employees," as defined herein. This letter is sent in compliance with the notice requirements of Labor Code § 2699.3.

During the relevant time period, Defendants employed Plaintiff as an hourly-paid, non-exempt employee as a personal banker in Los Angeles, California. The "aggrieved employees" that Plaintiff seeks civil penalties on behalf of are all current and former hourly-paid or non-exempt employees who worked for any of the above-referenced entities within the State of California.

Based on the following facts and theories, Defendants violated and/or continue to violate, among other provisions of the Labor Code and applicable wage law, California Labor Code §§ 201, 202, 203, 226, and 246.

Labor Code § 246 mandates employers to comply with various requirements with respect to the provision of paid sick leave to employees. Labor Code § 246(l) provides employers with two options to calculate non-exempt employees' paid sick leave rate of pay: "(l) For the purposes of this section, an employer shall calculate paid sick leave using any of the following calculations: (1) Paid sick time for nonexempt employees shall be calculated in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek. (2) Paid sick time for nonexempt employees shall be calculated by dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment. . . ."

During the relevant time period, Defendants improperly calculated the sick leave rate of pay owed to Plaintiff and other aggrieved employees by failing to incorporate all non-discretionary remuneration into the sick leave pay rate calculation under either the Section 246(l)(1) or the Section 246(l)(2) methods and underpaid paid sick leave wages to Plaintiff and other aggrieved employees.

For the payroll on pay period ending ("PPE") October 18, 2025, Plaintiff was paid 15.5 hours of paid sick leave. Then for the payroll on PPE February 7, 2026, Plaintiff was paid a non-discretionary quarterly incentive in the amount of $448.21 which was earned during the period of October 1, 2025 to December 31, 2025. Concurrently, Defendant trued up the regular rate of pay on this incentive and retroactively paid the regular rate of pay on overtime worked and rest period premiums paid between October 1, 2025 and December 31, 2025, but failed to retroactively pay the regular rate of pay on the 15.5 hours of paid sick leave paid for PPE October 18, 2025. Thus, Defendants did not calculate the paid sick leave rate of pay "in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time, whether or not the employee actually works overtime in that workweek" under the Section 246(l)(1) method.

For the payroll on PPE February 7, 2026, Plaintiff was paid a non-discretionary quarterly incentive in the amount of $448.21. Then on February 21, 2026, Plaintiff's straight-time hourly rate was $25.3 per hour and Plaintiff was paid for three hours of paid sick leave in the amount of $25.3 per hour. Thus, Defendants did not calculate the paid sick leave rate of pay by "dividing the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment" under the Section 246(l)(2) method.

Labor Code §§ 201 and 202 provide that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately, and if an employee quits his or her employment, his or her wages shall become due and payable not later than seventy-two (72) hours thereafter, unless the employee has given seventy-two (72) hours' notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting. During the relevant time period, Defendants failed to pay aggrieved employees all paid sick leave wages due to them within any time period specified by Labor Code §§ 201 and 202 as discussed above.

Labor Code § 226 requires employers to make, keep and provide complete and accurate itemized wage statements to their employees. During the relevant time period, Defendants did not provide aggrieved employees with complete and accurate itemized wage statements because of the underpayment of paid sick leave wages as discussed above.

Therefore, on behalf of all aggrieved employees, Plaintiff seeks all applicable penalties arising out of the above-referenced wage, hour, and payroll practices, or which could be assessed and collected by the LWDA, for violation of the Labor Code pursuant to PAGA. Labor Code § 2699.3 requires that a claimant send a certified letter (i.e. this letter) to the employer in question and file an online claim to the LWDA setting forth the claims and the basis for the claims, thereby giving the LWDA and employer an opportunity to investigate the claims and/or take any action they deem appropriate. If the LWDA and Defendants elect not to take any action with respect to any of the foregoing claims, Plaintiff will seek these penalties in a civil action on behalf of all aggrieved employees within one year of the date of this letter as allowed by law.

If you have any questions, please contact me at the phone number or address below:

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Thank you for your attention to this matter.

Very truly yours,

William C. Sung
JUSTICE FOR WORKERS, P.C.

Cc: **Via USPS Certified Mail – Return Receipt Requested**

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