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VIA U.S. CERTIFIED MAIL—RETURN RECEIPT REQUESTED

January 11, 2016

Attention: PAGA Administrator
Acting Agency Secretary
California Labor & Workforce Development Agency
1515 Clay Street, Suite 801
Oakland, CA 94612

National Building Services, LLC
c/o Michael P. Kade
Law Office of Michael P. Kade
11661 San Vicente Boulevard, Suite 903
Los Angeles, CA 90049
Fax: (310) 481-9946

National Building Services, LLC
19737 Ventura Boulevard
Woodland Hills, CA 91364

Nancy Steven
President
National Building Services, LLC
19737 Ventura Boulevard
Woodland Hills, CA 91364

Frank Chenouda
Vice-President
National Building Services, LLC
19737 Ventura Boulevard
Woodland Hills, CA 91364

Letter to PAGA Administrator, National Building Services, LLC entities, managers and agents.
January 11, 2016
Re: Labor Code §2699 Notice by aggrieved employee
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Federico Oliver
National Building Services, LLC
19737 Ventura Boulevard
Woodland Hills, CA 91364

RE: Notice by Aggrieved Employee Pursuant to Labor Code § 2699 et seq.

Dear PAGA Administrator, National Building Services, LLC, and entities and persons listed herein:

This Notice is given pursuant to Labor Code § 2699.3(a)(1) on behalf of Zulma Avelar, aggrieved employee represented by this law firm (hereinafter “Aggrieved Plaintiffs”), regarding Labor Code and Wage Order violations committed by National Building Services, LLC, Federico Oliver, and other persons acting on behalf of the employer (collectively “National Building Services”) who caused the violations described in this Notice and the enclosed complaint. All person acting on behalf of the employer who violated or caused to be violated sections of the California Labor Code or Wage Orders governing hours and days of work are personally liable pursuant to California Labor Code §§ 210, 558, 1197.1, including Federico Oliver and other owners, managers, supervisors or directors.

This investigation request and notice of California Labor Code violations concerns the systematic failure by National Building Services to pay current and former California non-exempt employees in conformance with provisions set out in the California Labor Code and in Wage Orders promulgated by the Industrial Welfare Commission. At the core of National Building Services’ violations are unlawful payroll and labor practices or policies whereby workers are not provided appropriate meal periods whether because they are not scheduled or given, or because if and when they are given, they are untimely, on duty, interrupted or they are not of the required statutory length. In particular, National Building Services actively pressures employees to skip statutory meal periods, requires employees to clock out and work through meals, requires employees to skip their rest periods, fails to schedule or fails to relieve employees for meals.

National Building Services also enforces a payroll policy whereby workers are not paid the statutorily required premium wages for missed or improper rest or meal periods, and are discouraged from rest and meal breaks through routing, compensation and other employment and payroll policies. Further, National Building Services enforces a policy or practice where hours worked and meal break start and stop times are not accurately recorded, and workers are not provided accurate wage statements or paid all wages owed upon separation from employment.

Liability under the Private Attorneys General Act (Cal. Labor Code §§ 2698 *et seq.*) (“PAGA”) may be based on a wide variety of Labor Code provisions, including but not limited to

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§§ 201, 202, 203, 210, 216, 218, 218.6, 223, 225, 226, 226.7, 510, 512, 1174, 1175, 1194, 1194.2, 1197, 1197.1 1199 and 2673.1(a), IWC wage orders, 2699 et seq. and all of the provisions listed in Labor Code 2699.5 (including the penalty provisions related to these predicate provisions), among many others. Any violation of these or any other Labor Code provisions serves as the basis for a PAGA claim by an aggrieved employee on behalf of themselves and other current and former employees.

In particular, the policies described above and the violations set forth below relate to all the non-exempt employees employed at National Building Services' locations in California:

1. Failure to pay non-exempt employees all wages earned (minimum, contract, overtime, split shift, and reporting time wages, unpaid time), in violation of Cal. Labor Code §§ 201, 202, 221, 510, 1194, 1197.1, 558, and the Wage Orders, by inaccurately keeping records of actual hours worked and wages earned, and by requiring, suffering or permitting employees to work without compensation and auto-deducting time for meal periods that are not taken.
2. Failure to provide timely, uninterrupted meal periods of at least 30 minutes free from employer control, or additional wages in lieu thereof; failure to provide a second uninterrupted meal periods of at least 30 minutes free from employer control for shifts greater than 10 hours, or additional wages in lieu thereof; requiring on-duty meal periods without an agreement or need to do so, yet failing to pay for on-duty meal periods.
3. Failure to keep accurate time records, in violation of the Labor Code and Wage Orders.
4. Failure to pay all wages owed immediately or within 72 hours upon separation from employment in violation of Labor Code §§ 201, 202, 203, and 256 since it systematically failed to pay all wages earned and failed to pay all additional wages in lieu of providing all rest and meal periods.
5. Failure to keep accurate time records and failure to provide accurate wage statements that reflect the actual hours worked and amounts earned.

The above provisions do not include all of the derivative penalties associated with the above provisions, which are listed throughout the Labor Code. Further facts and theories supporting the alleged violations are included in the enclosed complaint, which is incorporated into this notice.

Aggrieved employee Zulma Avelar can be contacted through our office: Mallison & Martinez, Attorneys at Law, 1939 Harrison Street, Suite 730, Oakland, California 94612.

Letter to PAGA Administrator, National Building Services, LLC entities, managers and agents.

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If no action is taken within 30 days, we will assume that we may pursue this action against the above National Building Services' entities and persons and pursuant to §210, 558 and 1197.1 (and other provisions) against National Building Services' and its agents, managers and supervisors pursuant to Labor Code §2698 *et seq.*

If you have any questions, please do not hesitate to contact me.

Sincerely,

MALLISON & MARTINEZ



Stan S. Mallison

Encl.



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Oakland CA 94612

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DEPT. OF INDUSTRIAL RELATIONS

JAN 15 2016

RETURN RECEIPT REQUESTED

LABOR STANDARDS ENFORCEMENT
OAKLAND DISTRICT OFFICE

SHIP TO:

ATTENTION: PAGA ADMINISTRATOR
ACTING AGENCY SECRETARY
CALIFORNIA LABOR & WORKFORCE DEVELOPMENT
1515 CLAY ST STE 801
OAKLAND CA 94612-1463

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