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JUAN GAMBOA
LEANNA M. SAC

*MEMBER OF CA, NV, OR & WA BAR

VIA EMAIL AT PAGAfiling@dir.ca.gov and CERTIFIED U.S. MAIL—RETURN RECEIPT REQUESTED

May 11, 2020

Attention: PAGA Administrator
Acting Agency Secretary
California Labor & Workforce Development Agency
PAGAfiling@dir.ca.gov

Tetra Tech, Inc.
3475 E Foothill Blvd.
Pasadena, CA 91107
Attn: Human Resources Dept.

Jesco Environmental and Geotechnical Services, Inc.
1701 S Thibodeaux Rd,
Jennings, LA 70546
Attn: Human Resources Dept.

Dan Batrack
3475 E Foothill Blvd.
Pasadena, CA 91107

Alvinette Teal
1701 S Thibodeaux Rd,
Jennings, LA 70546

RE: Labor Code §2699 Notice by Aggrieved Employees for *Hakeem Jamaal Alambie* (REDACTED); *Isaac Saunders* (REDACTED); *Lagarion Brown* (REDACTED)

May 11, 2020

Letter to PAGA Administrator, Jesco Environmental and Geotechnical Services, Inc., et al.

Re: Cal. Lab. Code § 2699 Notice by Aggrieved Employees

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██████████); *Nichlon Dwayne Garrett* (██████████); *Roy Steven Jackson* (██████████);
and Yaphett Saunders (██████████).

Dear PAGA Administrator and All Entities and Persons listed herein:

This constitutes statutory notice pursuant to Labor Code § 2699.3(a)(1) for purposes of bringing a claim under the Private Attorneys General Act, Cal. Labor Code § 2699, *et seq.* Please consider this a request for the California Labor & Workforce Development Agency (“LWDA” or “Agency”) to take action against Jesco Environmental and Geotechnical Services, Inc. (“Jesco”), Tetra Tech, Inc. (“Tetra Tech”), and their agents, managers, and supervisors – including but not limited to Jesco Chief Executive Officer and Chief Financial Officer Alvinette Teal and Tetra Tech Chief Executive Officer Dan Batrack, (collectively “Defendants”) for violations of the California Labor Code described below. The aforementioned entities and individuals were aware of, complicit in, and actually caused the violations described below. I am writing on behalf of our clients: Lagarion Brown, Hakeem Jamaal Alambie, Isaac Saunders, Nichlon Dwayne Garrett, Roy Steven Jackson, and Yaphett Saunders, Aggrieved Employees represented by this law firm (hereinafter “Aggrieved Plaintiffs”) who seek to assert a PAGA claim on behalf of the State of California and all other current or former employees who have been employed by Defendants in California.

Jesco is an environmental services company based in Jennings, Louisiana that contracts with other companies to assign employees to work sites all over the United States, including in California. Aggrieved Plaintiffs worked for Jesco in Paradise, California and Chico, California under Jesco’s contract with Tetra Tech. Non-exempt employees performed post-disaster cleanup and assessment work for Jesco including but not limited to assessments of burnt structures, soil, air samples, mapping, measurements for fire cleanup, hazardous materials, and post-cleanup assessments to make sure contaminants were removed.

Tetra Tech is a consulting and engineering services firm based in Pasadena, California. Tetra Tech and Jesco had a contract wherein Jesco provided workers to Tetra Tech to work on cleanup and assessment of sites affected by fires in California. Tetra Tech employees, including but not limited to managers and supervisors, directed Jesco employees in their work.

This investigation request and notice of California Labor Code violations concerns the systematic failure by Defendants 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 Defendants’ violations is the systematic failure to keep accurate time and payroll records; requiring, suffering or permitting employees to perform unpaid work outside their scheduled worktime; refusing to provide proper rest and meal periods or to provide premium wages in lieu thereof; failure to pay premium/overtime/doubletime wages for all hours

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worked in excess of the overtime thresholds set forth in the Labor Code and Wage Orders; requiring employees to pay out-of-pocket for necessary work expenses without reimbursement; failing to provide accurate wage statements, and failing to pay of 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 predicate provisions, including but not limited to §§ 98.6, 201, 202, 203, 204, 205, 206, 208, 209, 212, 210, 213, 216, 218, 218.6, 221, 222, 223, 225, 226, 226.7, 227, 230, 231, 233, 234, 246, 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 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 the state of California. Defendants and their agents, managers, and/or supervisors caused the violations described below by enforcing and carrying out their illegal policies:

1. Defendants have failed to pay our clients and other non-exempt employees all wages earned, in violation of Cal. Labor Code §§ 201, 202, 221, 1194 and 558, and the Wage Orders, by inaccurately keeping records of actual hours worked and wages earned, and by failing to pay for all hours worked.

Defendants required non-exempt employees to work “off the clock”, including but not limited to time spent driving for work, receiving and responding to mandatory work-related phone calls, emails, and group texts, filling in paperwork, setting up and putting away equipment, and time spent working through unpaid meal periods.

Aggrieved Plaintiffs estimate that they spent approximately 1-3 hours per workday working without pay. This time worked was not recorded as such in Defendants’ time records, thereby rendering such time records inaccurate.

2. Defendants have violated California’s rest and meal break provisions, including Labor Code §§ 226.7, 512 and 558 and the Wage Orders, by discouraging breaks, not providing all requisite breaks or not relieving employees of all duty during break time.

Defendants required non-exempt employees to end their meal and rest breaks early or skip their breaks entirely when employees’ workload did not allow time for meal and rest periods, which was often. Defendants’ supervisory and managerial staff would often disturb non-exempt employees during their scheduled meal and rest periods with conversations about work, or by assigning them tasks that they were expected to complete immediately.

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Defendants' supervisory and managerial staff were aware that non-exempt employees were often unable to take their rest and meal breaks, but nevertheless instructed them to record their rest and meal periods as if they had been taken in their entirety.

When non-exempt employees turned in time sheets that did not show compliant rest and meal periods, these time sheets would be rejected, meaning that non-exempt employees would not be paid until they were modified, and non-exempt employees would be instructed to record compliant rest and meal periods that were not actually taken.

3. Defendants have failed to pay proper premium/overtime wages at one and one half the regular rate of pay for shifts greater than eight (8) hours in a work day and/or forty (40) hours in a workweek, and failure to pay proper premium/double-time wages at double the regular rate of pay for shifts greater than twelve (12) hours in a day and/or eight (8) hours on any seventh consecutive work day of a workweek, in violation of Labor Code § 510 and the IWC Wage Orders.

Specifically, Defendants required non-exempt employees to work shifts in excess of these thresholds without proper compensation. Overtime provisions of the Labor code and IWC Wage Orders were violated by inaccurately keeping records of actual hours worked and wages earned by requiring, suffering or permitting employees to work without compensation, by not compensating workers for all hours worked, including overtime hours and proper overtime pay and by not compensating for off-the-clock time and by failing to pay for all hours worked within the meaning of the IWC Wage Orders.

Aggrieved Plaintiffs estimate that they spent approximately 1-3 hours per workday working without pay. Since Aggrieved Plaintiffs and other non-exempt employees regularly worked for over 12 hours in a day, they are entitled to doubletime premium wages for this unpaid time.

4. Defendants have failed to reimburse employees for equipment and other expenses necessary for work in violation of Labor Code § 2802.

Defendants required non-exempt employees to spend their own money in order to carry out their job duties, and failed to reimburse them for these expenditures. For example, Defendants required employees to have and use their own cellphones for work, which they used for purposes including but not limited to accessing the timekeeping software and the application used to have group discussions about work. They were not duly reimbursed for this use of their personal cellphones. Non-exempt employees were also frequently expected to purchase gasoline for the vehicles they used for work, but were not reimbursed for it.

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5. For the above reasons, Defendants have failed to keep accurate time records and to provide accurate wage statements that reflect the actual hours worked and amounts earned, in violation of Labor Code sections 226, 1174 and the Wage Orders.
6. Given the numerous violations indicated above, it is reasonable to conclude that Defendants did not pay all wages owed to their non-exempt employees upon termination in violation of the Cal. Lab. Code section 203.

PLEASE TAKE NOTICE THAT THIS IS ALSO A GENERAL LITIGATION

PRESERVATION NOTICE to preserve all documents relating to all employees, including but not limited to all timekeeping and payroll records in paper form, native electronic form and any other format in which they are generated and maintained in the regular course of business; all databases and computer or electronic systems that are used for timekeeping and payroll; all records and evidence in any way related to the facts and claims asserted in this letter; all records and evidence in any way related to claims of Aggrieved Plaintiffs, the state and other current or former employees under the California Labor Code Private Attorney General (including underlying Labor Code and IWC orders), the California Government Code, and the Equal Employment Opportunity Act. These documents include but are not limited to all schedules (both current and former) all timekeeping records, all rest and meal period records, all duty and responsibility records, all records with employee signatures or initials, all payroll records, all state or federal withholding records, all personnel files and other employment records, all records concerning the payment or non-payment of wages, or provision or non-provision of state mandated labor code protections, as well as all documents pertaining to harassment or discrimination against employees, all communications relating to these records and documents, and all emails relating to these records and documents.

Further, pursuant to California Labor Code §§ 210, 558, 558.1, 1197.1, 2699(f) and other provisions of the Labor Code, please consider this a notice to Defendants; Affiliated Companies, and owners, supervisors, managers, agents and all other person acting on behalf of Defendants and Affiliated Companies, and the employers who caused to be violated any provision of the California Labor Code or Wage Orders governing hours and days of work. Defendants and their affiliated companies have complete authority to implement and carry out the illegal payroll policies at issue herein. These violations are a uniform policy applied to all non-exempt Jesco workers.

Dan Batrack, as the Chief Executive Officer of Tetra Tech, and Alvinette Teal, as the Chief Executive Officer and Chief Financial Officer of Jesco, are in charge of making major corporate decisions and managing the operations of the corporation. As such, these individuals were on notice, whether actual or constructive, of all of the violations described above, and failed to prevent or address them.

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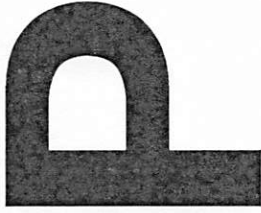
Aggrieved Plaintiffs who worked for Defendants during the past year may be contacted through our office: Mallison & Martinez, Attorneys at Law, 1939 Harrison Street, Suite 730, Oakland, California 94612.

If no action is taken within 65 days, we will assume that we may pursue this action under the theories described above against the Defendants described above and their agents, owners and other liable persons and entities (pursuant to §210, 558, 1197.1, 2699(f) (and other provisions)).

Sincerely,

A handwritten signature in blue ink, appearing to read 'LS' or 'Leanna Sac', followed by a period.

Leanna Marie Sac, Esq.
MALLISON & MARTINEZ



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Hector Martinez
1939 HARRISON ST STE 730
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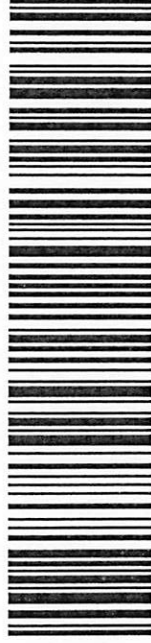
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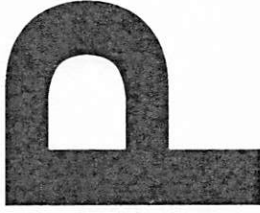
Ship To:

TETRA TECH, INC.
ATTN: HUMAN RESOURCES DEPT
3475 E FOOTHILL BLVD
PASADENA CA 91107-6024

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Hector Martinez
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OAKLAND CA 94612

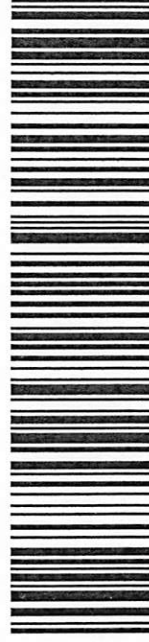
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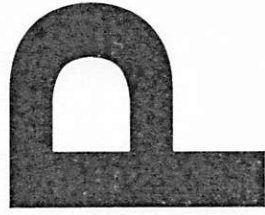
Ship To:

JESCO ENVIRONMENTAL AND GEOTECHNICAL SERVICES
ATTN: HUMAN RESOURCES DEPT
1701 THIBODEAUX RD
JENNINGS LA 70546-3153

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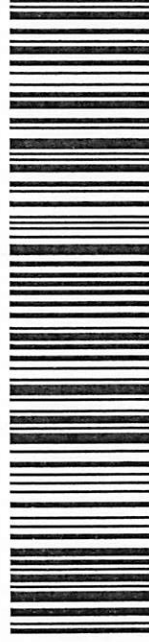
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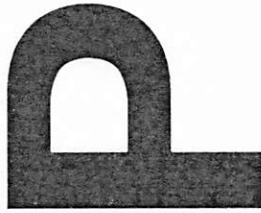
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DAN BATRACK
3475 E FOOTHILL BLVD
PASADENA CA 91107-6024

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OAKLAND CA 94612

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ALVINETTE TEAL
1701 THIBODEAUX RD
JENNINGS LA 70546-3153

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