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Filed Via LWDA's PAGA Claim Notice Online Form

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Walmart, Inc.
c/o CT Corporation System
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

Walmart, Inc.
702 SW 8th Street
Bentonville, AR 72716

Re: *Monay Nelson, et al. v. Walmart Inc., et al.; California Labor Code § 2699.3 Notice*

To Whom It May Concern,

My firm represents Monay Nelson ("Plaintiff") and all similarly situated employees in a lawsuit to be filed against Walmart, Inc. ("Defendant").

Among other individual allegations, Plaintiff alleges that Defendant violated its obligations under California law to provide and maintain required employment records in violation of Labor Code §§ 226, 432, 1174, and 1198.5 as to all non-exempt and exempt employees employed within one year prior to the date of this letter continuing through the present (the "Aggrieved Employees").

Specifically, Defendant has a policy of failing to provide employee records requested pursuant to Labor Code §§ 226, 432, 1174, and 1198.5.

Labor Code § 226 provides that "shall afford current and former employees the right to inspect or receive a copy of records pertaining to their employment, upon reasonable request to the employer" and that employers "shall comply with the request as soon as practicable, but no later than 21 calendar days from the date of the request."

Labor Code § 1198.5 provides that "[u]pon a written request from a current or former employee, or his or her representative, the employer *shall* also provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not later than 30 calendar days from the date the employer receives the request"

Labor Code § 432 provides that "If an employee or applicant signs any instrument relating to the obtaining or holding of employment, he shall be given a copy of the instrument upon request."

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Labor Code § 1174 requires employers to maintain payroll records showing the hours worked daily by all employees, for a time not less than three years. Industrial Wage Order No. 5, Section 7 requires that an employer maintain “time records showing when the employee begins and ends each work period” and made those records available to any employee upon reasonable request. *Id.*

Plaintiff Monay Nelson requested copies of her records when she visited the Highland Walmart on August 24, 2020. Plaintiff was told she needed to follow a complicated internal procedure to access her personnel and payroll records. Then, through counsel, Plaintiff requested copies of her records kept in accordance with Labor Code §§ 226, 432, 1174, and 1198.5 by certified letter. As of the date of this filing, no records have been received by Plaintiff from Defendant.

Labor Code § 226(f) and (h) sets forth that if an employer fails to permit a current or former employee to inspect or copy records required to be kept under that section within 21 days of a request to inspect, that employer is liable to the employee for a penalty of \$750, and the employee is entitled to bring an action for injunctive relief to enforce compliance and shall be entitled to an award of costs and reasonable attorney’s fees in doing so. Labor Code section 1198.5(k) sets forth that if an employer fails to permit a current or former employee to inspect or copy records relating to the employee’s performance or to any grievance concerning the employee within 30 days of a request to inspect, that employer is liable to the employee for a penalty of \$750, and the employee is entitled to bring an action for injunctive relief to enforce compliance and shall be entitled to an award of costs and reasonable attorney’s fees in doing so.

Walmart Inc. has a policy and practice of denying requests for employee records that is applied to all current and former employees in California and violates Labor Code §§ 226, 432, 1174, and 1198.5 and the Wage Orders.

This correspondence serves as notice pursuant to Labor Code § 2699.3 that we intend to prosecute representative claims for civil penalties under the Private Attorney’s General Act (“PAGA”) on behalf the Aggrieved Employees. *See* Cal. Lab. Code §§ 2699, *et seq.*

We intend to fully and vigorously prosecute the representative claims alleged in this Notice, including by obtaining civil penalties under PAGA, upon expiration of the applicable notice requirements under PAGA.

Please do not hesitate to contact me at the information provided above.

Very truly yours,



Robert J. King
KING & SIEGEL LLP