

LAW OFFICE OF EDWARD ANTONINO

15760 Ventura Blvd., Suite 700, Encino, CA 91436

Phone: (818) 995-9477

email: ea@ca-workers-rights.com

January 11, 2021

Filed Online

California Labor & Workforce Development Agency
801 K. Street, Suite 2101
Sacramento, CA 95814

Re: Labor Code Sec. 2699 Notice

Jean Philips v. The Permanente Medical Group, Inc. dba Kaiser Permanente

Pursuant to Labor Code Sec. 2699.3(a)(1), Jean Philips ("Claimant") hereby gives written notice of Claimant's intent to file a Labor Code Sec. 2699 ("PAGA") representative action on behalf of Claimant and other current and former employees of Respondent to recover civil penalties for violations of the California Labor Code against Claimant's former employer The Permanente Medical Group, Inc. dba Kaiser Permanente ("Respondent").

Claimant worked for Respondent as an Environmental Services Aide for over 21 years from in or about June 1999 to on or about September 1, 2020.

In or about August 2018, Claimant was assaulted by a coworker (Sandy) who pushed a chair at Claimant. Claimant immediately complained of the incident, but nothing was done.

In or about March 2020, Claimant was scared to work inside the work facility due to the current COVID-19 pandemic and complained of the unsafe work environment due to the lack of personal protective equipment (PPE), but nothing was done by management to provide the same.

Additionally, Claimant is a 62-year old female who competently performed her job duties. During her employment with Respondent, younger employees would harass Claimant by tampering with her phone, which was reset and inoperable, and Claimant was further stripped of her work equipment on a daily and weekly basis. These younger employees would also slander her reputation by saying that she would steal and leaving work for her to finish to make it appear as if she weren't accomplishing her duties.

Ultimately, on or about September 1, 2020, Claimant's employment with Respondent was terminated due to her age and complaints of an unsafe work environment, while much younger employees were kept their jobs despite any alleged business slowdown. (This incident occurred wherein Respondent requested that Claimant resign, which Claimant was forced to do at the risk of losing her pension.)

Moreover, although Claimant was forced to use her personal mobile phone for work, she was not reimbursed for her monthly mobile phone charges.

Furthermore, Claimant was not provided her legally-required 30-minute meal breaks nor her legally-required 10-minute rest breaks as she was often interrupted during attempted breaks and she was not completely relieved of all job duties during her attempted breaks as she was always expected to be "on call" and couldn't turn off her phone, and was therefore, always working through her attempted breaks.

Last, although Claimant was involuntarily terminated on or about September 1, 2020, she was not provided her final paycheck until approximately one week after her termination.

For said conduct, Claimant seeks damages for the following violations, including but not limited to:

1. Failure to Provide Legally-Required 30-Minute Meal Periods
2. Failure to Provide Legally-Required 10-Minute Rest Breaks
3. Failure to Reimburse Business Expenses
4. Failure to Pay Waiting Time (Wage Continuation) Penalties
5. Hostile Work Environment
6. Age Discrimination
7. Retaliation for Complaint of Unsafe Work Environment
8. Wrongful Constructive Termination
9. Unfair Business Practices

The specific provisions of the Labor Code that Respondent has violated, include, but are not limited to, Labor Code §§ 98.6, 200, 201-203, 204, 206, 210, 226, 226.3, 226.7, 232.5, 510, 512, 558, 1102.5, and 1194, and 3700.5(a). Respondent has violated the foregoing Labor Code provisions, as well as other California laws, although Claimant reserves the right to limit the above violations alleged upon further investigation. Respondent is also liable for all applicable premiums and penalties, interest, attorneys' fees and costs. We look forward to receiving your response to this letter pursuant to Labor Code Sec. 2699.3(a)(2)(A). Thank you and please do not hesitate to call with any questions.

Sincerely,

LAW OFFICE OF EDWARD ANTONINO



Edward Antonino, Esq.

cc: **Certified Mail**

The Permanente Medical Group, Inc.
dba Kaiser Permanente
1950 Franklin St., 20th Floor
Oakland, CA 94612