

Moreno v. Greystar Management Services, LP: PAGA Claim Notice

Roman Moreno started working for Greystar Management Services, LP at Museum Park, San Jose, California as a Maintenance Supervisor on June 25, 2020. Mr. Moreno worked for Greystar Management Services, LP until his termination on February 18, 2021. Throughout the course of his employment, he regularly worked over eight (8) hours per day, 5 days per week, and was on-call 24/7. Despite Mr. Moreno clearly working overtime every week, he never received proper overtime compensation. Furthermore, since beginning his employment, Mr. Moreno never received proper meal breaks and rest periods. In addition, Mr. Moreno was required to use his cellphone for work related calls, yet was never reimbursed for this expense.

California employers are required by law to pay their employees overtime wages. Employers must also provide their employees meal breaks and rest periods. In addition, employers must reimburse their employees for job-related expenses.

Greystar Management Services, LP is liable for the following California Labor Code and Business and Professions Code violations as of **June 25, 2020**:

- (1) **Failure to pay Overtime Wages** (Cal. Labor Code Section 1194) – Mr. Moreno was not paid proper overtime wages. He worked approximately 6 hours of overtime per week which he was not compensated for (this consists of one hour of overtime per day during regular business hours – Monday through Friday, 9am to 5pm – and 1 hour of overtime per week during on-call hours). As such, Mr. Moreno is owed **\$10,125.00**. It is important to note that this overtime calculation only takes into account 1 hour of on-call time per week. However, if we do not resolve this matter prior to litigation, Mr. Moreno will be pursuing overtime owed for all hours he was on-call, given that he was restricted from doing non-job related activities during the times he was on-call.
- (2) **Failure to Provide Meal and Rest Periods** (Cal. Labor Code Sections 226.7 and 512) – Mr. Moreno was not provided with proper off-duty meal periods of 30 minutes or 10 minute rest periods each day he worked. Mr. Moreno was entitled to two 10 minutes rest periods and one 30 minute meal period each day. However, Mr. Moreno did not receive any rest breaks, and worked during his lunch breaks, during the course of his employment. As such, Mr. Moreno is owed **\$11,250.00**.
- (3) **Failure to Timely Pay All Wages at Separation of Employment** (Cal Labor Code Sections 201-203) –Mr. Moreno was not paid all wages owed in a timely manner during the course of, and upon separation of, his employment. As such, Mr. Moreno is owed waiting time penalties totaling **\$6,125.12**.
- (4) **Inaccurate Wage Statement Penalty** (Cal. Labor Code Section 226) – As a result of underpayment and unaccounted for hours worked, Mr. Moreno's wage statements are inaccurate. As such, Mr. Moreno is owed a total of **\$4,000.00**.
- (5) **Failure to reimburse for work related cell-phone use** (Cal. Labor Code Section 2802) – Mr. Moreno is owed a total of **\$280.00**.
- (6) **10 percent (%) interest per annum for unpaid overtime wages** – Mr. Moreno is entitled to a total of **\$1,878.75**.
- (7) **10 percent (%) interest per annum for failure to provide meal and rest periods**– Mr. Moreno is entitled to a total of **\$2,087.50**.

(8) 10 percent (%) interest per annum for failure to reimburse for work related cell-phone use – Mr. Moreno is owed a total of \$51.10.

After a preliminary investigation, based on information and belief, there are 453 additional similarly aggrieved employee. Greystar Management Services, LP is liable for violating Mr. Moreno's and his co-workers' rights with respect to the above-mentioned California Labor Code and Business and Professions Code sections.