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November 8, 2021

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Via Electronic Submission
PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

Via Certified Mail
WTMG, Inc. dba JaniTek Cleaning
Solutions
3225 Tomahawk Drive
Stockton, CA 95205

Re: Amended Notice of Violations of California Labor Code

Dear Sir or Madam:

This letter is an amendment to our September 29, 2021, notice of Labor Code violations that written on behalf of Ignacio Mendez (“Employee”), who is a former employee of WTMG, Inc., which does business in California as JaniTek Cleaning Solutions (“Employer”). Employee contends that Employer has violated several California Labor Code provisions and is therefore liable for civil penalties under the California Labor Code Private Attorneys General Act of 2004 (“PAGA”), Cal. Lab. Code §§ 2695, *et seq.* Employee contends that the following violations were committed against all or some aggrieved employees, who are all of Employer’s non-exempt employees, and Employee seek to recover civil penalties for all such violations.

Unlawful Failure to Provide Uninterrupted Off-Duty Meal Periods

Employer has failed to maintain a policy that provides its employees with off-duty meal periods as required by California law. At times, aggrieved employees worked more than five (5) hours in a day without being provided, by the end of the fifth hour, a 30-minute meal period in which they were relieved of all duties, as required by Labor Code sections 226.7, 512, and the applicable Wage Order. Among other things, due to the amount of work employees were expected to complete, meal periods were regularly late (after the beginning of the fifth hour of work) or not provided at all. In addition, at times aggrieved employees worked more than 10 hours in a shift without receiving a second 30-minute meal period. Employer also failed to pay aggrieved employees the premium compensation mandated by Labor Code section 226.7(c) for these missed or otherwise non-compliant meal periods. Employer did not pay premium wages if a meal period was late or short. As a result of these violations, Employer is liable for civil penalties pursuant to California Labor Code sections 558 and 2699(f).

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Unlawful Failure to Provide Uninterrupted Off-Duty Rest Periods

Employer has failed to maintain a policy that provides aggrieved employees with paid, off-duty rest periods, as required by California law. At times, aggrieved employees worked shifts in excess of 3.5 hours without being provided at least a ten (10) minute, paid rest period in which they were relieved of all duties, for each four hours worked, or major fraction thereof, as required by Labor Code section 226.7 and the applicable Wage Order. Among other things, employee workloads prevented employees from taking all rest breaks to which they were entitled. Employer also failed to pay aggrieved employees the premium compensation mandated by Labor Code section 226.7(c) for these missed or otherwise non-compliant rest periods. Employer has not paid aggrieved employees any wage premiums for missed or non-compliant rest breaks. As a result of these violations, Employer is liable for civil penalties pursuant to California Labor Code sections 558 and 2699(f) *et seq.*

Unlawful Failure to Pay for all Hours Worked

Employer maintains an unlawful policy of failing to pay employees for all hours worked, in violation of Labor Code sections 204 and 1197. For example, as explained above, in some cases aggrieved employees were not relieved of all duty during meal periods. Yet Employer did not pay aggrieved employees for such work. Because of these violations, Employer is liable for civil penalties pursuant to California Labor Code section 1197.1 and 2699(f).

Unlawful Failure to Pay Overtime Premium Wages

Employer maintains an unlawful policy of failing to pay overtime premium wages to employees for all overtime hours worked, in violation of Labor Code section 510. As explained above, aggrieved employees were sometimes not relieved of all duty during their meal periods and therefor were not paid for all hours worked. Some of the unpaid time should have been compensated at overtime premium rates. Because of these violations, Employer is liable for civil penalties pursuant to California Labor Code sections 558 and 2699(f).

Unlawful Failure to Furnish Accurate Wage Statements

Employer has violated California Labor Code§ 226(a) by failing to furnish aggrieved employees with itemized wage statements that accurately show the employee's gross wages, net wages and hours worked because the wage statements do not include the hours or pay for hours that aggrieved employees were clocked out but not relieved of duty



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during meal breaks and did not include Labor Code section 226.7(c) wage premiums that should have been paid for non-compliant or missed meal and rest breaks. As a result of these violations, Employer is liable for civil penalties pursuant to California Labor Code sections 226.3 and 2699(f) *et seq.*

Unlawful Failure to Pay Wages Due Upon Termination

Employer has violated California Labor Code sections 201 and 202 by willfully failing to pay all compensation due and owing to aggrieved employees at the time their employment was terminated, as required under California Labor Code sections 201 and 202. The unpaid wages resulted from the violations discussed above. Due to these violations, Employer is liable for civil penalties pursuant to California Labor Code section 2699(f).

Unlawful Failure to Reimburse Necessary Expenses

Labor Code Section 2802 requires Employer to reimburse employees for all necessary expenditures and losses incurred in order to discharge their duties for Employer. Employee and the other aggrieved employees were required to use their mobile phones for work, to punch in and out and to communicate with supervisors but were not reimbursed by Employer. Accordingly, Employer is liable for civil penalties pursuant to Labor Code section 2699(f).

Please feel free to contact me should you have any questions about the forgoing.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. Gundzik", written over a light blue horizontal line.

Aaron Gundzik