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January 9, 2016

VIA CERTIFIED MAIL (w/ RETURN RECEIPT)

ATTN: PAGA Administrator
California Labor & Workforce Development Agency
1515 Clay Street, Ste. 801
Oakland, CA 94612

Re: *American Meals, Inc.*

Notice of Labor Code Violations pursuant to Labor Code §2699.3(a)(1)

Dear PAGA Administrator:

This letter shall constitute the required written notification under Labor Code §2699.3(a)(1) of Labor Code violations alleged against **American Meals, Inc.** ("American"). Our client **Jennifer Tyner** ("Clamant"), worked as a non-exempt employee for a Denny's Restaurant owned by American. The claimant hereby issues this Notice to both the LWDA and the employer in compliance with the notice requirements of Labor Code section 2699.3(a)(1).

The claimants hereby give Notice of the following specific provisions of the Labor Code that have been violated and the facts and theories to support the alleged violations:

Violation	Facts and Theories
Labor Code sections 510 and 1194	Labor Code section 510 states: "Eight hours of labor constitutes a day's work. Any work in excess of eight hours in one workday and any work in excess of 40 hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee." Labor Code section 1194 provides "any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this minimum wage or overtime compensation, including interest thereon, reasonable attorney's fees, and costs of suit."

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	Here, Claimant and other similarly situated American employees ("American Employees") regularly worked in excess of eight hours in one workday and in excess of 40 hours in one workweek, and were not paid for it. As a result of this practice, Labor Code sections 510 and 1194 were violated. For example, American Employees were compensated for their overtime hours at their regular pay rate, instead of the required time-and-a-half pay rate required for overtime. Furthermore, American Employees who worked more than eight hours in one day or 40 hours in one week would frequently not be paid for their overtime because American would simply short-change them and not pay for overtime.
Labor Code section 226	As a result of the aforementioned practices – failing to pay overtime wages at the appropriate pay rate and short-changing American Employees for overtime hours worked – American failed to furnish accurate itemized statements that accurately reported: all applicable hourly rates and total hours worked by American Employees in violation of Labor Code section 226.
Labor Code sections 226.7 and 512	Labor Code sections 226.7 and 512 provide that no employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes. Under these provisions, a first meal period is required no later than the end of an employee's fifth hour of work, and a second meal period no later than the end of an employee's 10th hour of work. If an employer fails to provide an employee meal periods in accordance with this law, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided. Claimant and other American Employees typically worked eight-hour shifts without receiving a requisite meal break. For example, Claimant and other American Employees were not provided the opportunity to take their compliant meal breaks because the restaurant was too busy and American failed to schedule enough staff during a shift in order to give Claimant and other American Employees an opportunity to take their complaint meal breaks. Furthermore, on the days Claimant and other American Employees were able to take their meal break, they did not have the opportunity to do so prior to their fifth hour of work, as required under California law. Lastly, Claimant and other American Employees' meal breaks were frequently interrupted because the restaurant was so busy and American failed to schedule enough staff during a shift.

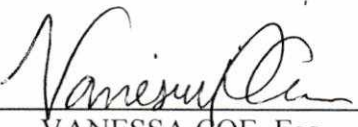
Labor Code 226.7	Labor Code section 226.7 provides that employers shall authorize and permit employees to take rest periods at the rate of (10) minutes net rest time per four (4) hours of work, or major fraction thereof. This means that an employer must provide 10 minutes net rest time for each four hour period worked by employees. If an employer fails to provide an employee rest periods in accordance with this law, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period is not provided. Claimant and other American Employees did not receive rest breaks during their workday. Claimant and other American Employees were too busy during the day to take 10-minute rest breaks.
Labor Code sections 201, 202 and 203	Labor Code section 201 states that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately. Labor Code section 202 states that if an employee not having a written contract for a definite period quits his or her employment, his or her wages shall become due and payable not later than 72 hours previous notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting. In either case, if an employer willfully fails to pay in accordance with 201 and 202, any wages of an employee who is discharge or who quits shall continue as a penalty. Here, American failed to pay all earned overtime wages, and premium wages for missed meal and rest periods to those employees who were discharged or who quit in violation of Labor Code section 201 and 202. Additionally, American has not paid any of the continuation wages under Labor Code section 203.
Labor Code 226 and 1174.5	Labor Code section 1174.5 states: "Any person employing labor who willfully fails to maintain the records required by subdivision (c) of Section 1174 or accurate and complete records required by subdivision (d) of Section 1174, or to allow any member of the commission or employees of the division to inspect records pursuant to subdivision (b) of Section 1174, shall be subject to a civil penalty of five hundred dollars (\$500)." As a result of the aforementioned practices, i.e. American short changing Claimant and other American employees for the amount of overtime hours they worked, American willfully failed to maintain Claimant and other American Employees' accurate and complete employment records.

Please notify us within the required time period whether or not the Labor and Workforce Development Agency intends to investigate these alleged violations. If no such notice is received within 33 calendar days of the postmark date of this letter, we will proceed with a civil action for penalties pursuant to Labor Code § 2699. Such a civil action will be pursued on behalf of Claimant and other American Employees. Please send the Notice to our office located at 11601 Wilshire Blvd., Suite 2440, Los Angeles, CA 90025.

Thank you for your attention to this matter.

Respectfully,

MAKAREM & ASSOCIATES, APLC

By: 
VANESSA COE, Esq.

cc: **American Meals, Inc. - Agent for Service**

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