



February 14, 2025

VIA ELECTRONIC MAIL

PAGAfiling@dir.ca.gov

Division of Occupational Safety and Health (Cal-OSHA)

Re: PAGA CLAIMS NOTICE
Luis Olvera v. Ramco Enterprises, L.P.

To Whom It May Concern:

Please be advised that this law firm represents Luis Olvera (“Plaintiff”) in claims arising from his employment with Ramco Enterprises, L.P. (“Ramco”) and Does 1-50 (collectively “Defendants”). Plaintiff is an “aggrieved employee” as defined by Labor Code §§ 2699, *et seq.*, due to Defendants’ violations of the Labor Code as set forth below. The purpose of this letter is to comply with Labor Code § 2699.3, which requires aggrieved employees to notify their employer and the Labor and Workforce Development Agency (“LWDA”) of the specific provisions of the Labor Code allegedly violated. Unless the LWDA proceeds against Defendants, our client intends to pursue a representative action against them pursuant to Labor Code §§ 2699, *et seq.*

We are informed and believe that Defendants have violated Labor Code sections 1102.5, 6310 and 6400 based on the facts set forth below.

A. Facts Giving Rise to Violations:

Plaintiff was employed by Ramco from 2015, until November 4, 2024, when he was terminated. Plaintiff was employed by Defendants in the role of Mechanic for Defendant’s office located at 710 La Guardia Street, Suite #A, Salinas, CA 93912.

Ramco is a staffing agency base in Salinas, CA, and helps fulfill the hiring requirements of companies in various industries.

Plaintiff had no issues working for Ramco until on or around October 24, 2024, when an incident happened at work with co-worker Heriberto Tinoco (“Mr. Tinoco”). It was apparent to Plaintiff that Mr. Tinoco was in a bad mood and aggressive throughout the day, but Plaintiff was shocked when Mr. Tinoco suddenly hit Plaintiff in the back of his head. Plaintiff was shocked and asked Mr. Tinoco why he had hit him, but Mr. Tinoco cursed at PNC and walked away.

Plaintiff did not initially report the incident because he was scared that he would be fired if he reported it and was also scared that Mr. Tinoco would hit Plaintiff again and retaliate against him for reporting his behavior. However, about a week later, Plaintiff decided to report the incident to make sure something like that would not happen at the workplace again.

On or around November 1, 2024, Plaintiff reported the incident to his supervisor Nicandro Diaz (“Mr. Diaz”). However, Mr. Diaz redirected Plaintiff to make a report to management and not to him. As such, Plaintiff spoke with Anselmo (last name unknown) about the incident. Anselmo told Plaintiff to fill out a report and submit it. After submitting his report, Plaintiff was told the company would investigate the matter.

Yet, on or around November 2, 2024, Plaintiff was told he would be terminated because the company has a zero tolerance policy for fighting. Plaintiff asked why he was being terminated when he was the one who reported it but was simply told the decision was final.

Ramco maintained an unsafe and health-hazardous environment to all employees due to Defendant’s choice to ignore Plaintiff’s complaint about Mr. Tinoco’s violence and failing to address the unsafe work environment. Plaintiff reported Mr. Tinoco’s aggression and the fact that he hit Plaintiff, but rather than addressing the situation, Defendant terminated Plaintiff. Accordingly, Plaintiff believes Ramco terminated Plaintiff for making a complaint about the unsafe work environment at Ramco.

B. Labor Code Sections Violated:

1) Labor Code § 6310

Labor Code section 6310 states in part, “No person shall discharge or in any manner discriminate against any employee because the employee has done any of the following: Made any oral or written complaint to the division, other governmental agencies having statutory responsibility for or assisting the division with reference to employee safety or health, his or her employer, or his or her representative...”

As described above, by terminating Plaintiff for reporting unsafe work conditions at work to his employer, Defendant has committed a violation of Labor Code section 6310. The foregoing is not intended as an exhaustive recitation of the facts or potential Labor Code Claims that Plaintiff may have against Defendant.

2) Labor Code § 6400

Labor Code section 6400 states in part, “Every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein.” As described above, Defendant intentionally ignored the complaint by Plaintiff regarding Mr. Tinoco’s behavior and

the unsafe work environment he created. The foregoing is not intended as an exhaustive recitation of the facts or potential Labor Code Claims that Plaintiff may have against Defendant.

3) Labor Code § 1102.5

Labor Code section 1102.5 states that:

(a) An employer, or any person acting on behalf of the employer, shall not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(b) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(c) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

(d) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for having exercised his or her rights under subdivision (a), (b), or (c) in any former employment.

As described above, by terminating Plaintiff for reporting unsafe work conditions at work to her employer, Defendants have committed a violation of Labor Code section 1102.5. The foregoing is not intended as an exhaustive recitation of the facts or potential Labor Code Claims that Plaintiff may have against Defendant.

4) CONCLUSION

Plaintiff requests that the Labor and Workforce Development Agency (“Agency”) promptly review this letter and conduct a thorough investigation of all claims made in this letter. If the Agency, however, decides not to conduct an investigation, Plaintiffs further request a prompt response to that effect so that he may pursue a cause of action for recovery of the aforementioned civil penalties and attorney’s fees incurred.

Pursuant to Labor Code § 2699.3(a)(2)(A), please notify us and Defendant if the LWDA intends to investigate these alleged violations of the Labor Code. Please contact me should you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryu', with a stylized flourish extending to the right.

Young W. Ryu, Esq.
Kee Seok Mah, Esq.

cc: **Ramco Enterprises, L.P.**
710 La Guardia Street, Suite A
Salinas, CA 93905
(via certified mail)