



March 26, 2025

VIA ONLINE SUBMISSION

California Labor and Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, CA 95814

VIA CERTIFIED U.S. MAIL

International Business Machines Corporation
1 New Orchard Road, Suite 1
Armonk, New York 10504

VIA EMAIL (wbutler@JonesDay.com)

Wendy C. Butler
Jones Day
250 Vesey Street
New York, New York 10281

Re: PAGA Notice of California Labor Code Claims against IBM

Dear PAGA Administrator:

Shavitz Law Group represents Chien Tsai, a former Apprentice employed by International Business Machines Corporation ("IBM"). Mr. Tsai was employed by IBM in that capacity in California from approximately August 2018 through August 2019.

As set forth below, Mr. Tsai alleges that IBM failed to pay California-based Apprentices, (collectively, "Aggrieved Employees"), as required by California law. Specifically, Mr. Tsai alleges that IBM failed to properly pay Aggrieved Employees for all wages owed, including minimum and overtime wages for all hours worked over 8 in a day or 40 in a week or the seventh consecutive day of work, failed to provide them with legally compliant meal breaks and rest breaks, failed to furnish them with accurate wage statements, and failed to pay them all earned wages timely and upon discharge.

Although Mr. Tsai and Aggrieved Employees regularly work/worked a significant amount of time beyond 40 hours per week to complete their job duties, IBM did/does not pay them for all of the overtime hours at one-and-a-half times or double time their regular rate of pay or properly calculate their overtime pay. Mr. Tsai and Aggrieved Employees are/were generally not permitted to record all of their overtime hours worked each week, and thus, regularly work/worked

significant off-the-clock, unpaid overtime hours. Additionally, Mr. Tsai and Aggrieved Employees regularly work/worked through their recorded meal breaks and are/were unable to take their required rest breaks throughout the day. When they do not receive their meal or rest breaks, IBM regularly fails to pay them the required meal and rest break premiums at their regular rate of pay, respectively.

Because Mr. Tsai and other Aggrieved Employees are owed unpaid minimum wage and overtime compensation, they were not paid all of their wages timely during their employment or upon termination. Further, their paystubs did not accurately reflect their hours or meal and rest premiums they were owed.

This letter serves as notice of Mr. Tsai's intent to seek civil penalties pursuant to the Private Attorneys General Act ("PAGA"), Cal. Lab. Code §§ 2698 *et seq.*, on behalf of all Aggrieved Employees who worked for IBM in the State of California at any time since March 15, 2022. Mr. Tsai alleges that IBM violated numerous provisions of the California Labor Code, including, but not limited to: §§ 201-204, 206.5, 210, 218.5, 218.6, 226, 226.3, 226.7, 510, 512, 558, 1174, 1174.5, 1194, 1197, 1197.1, 1198, 2802, and provisions of the applicable Wage Order. Mr. Tsai will seek all applicable civil penalties on behalf of all Aggrieved Employees, including but not limited to, penalties pursuant to the aforementioned statutes and the applicable Wage Order.

The facts and claims contained herein are based on the information available at the time of this writing. Therefore, if through further review or informal or formal discovery, Mr. Tsai becomes aware of additional compensation or penalties owed to current or former Aggrieved Employees or of additional claims against IBM, he reserves the right to revise these facts and/or add any new claims by amending this letter.

Based on the foregoing, Mr. Tsai intends to file a civil action to pursue claims against IBM and to seek PAGA remedies for these violations. Mr. Tsai respectfully requests that the Labor & Workforce Development Agency notify him if it intends to investigate the above allegations pursuant to PAGA.

Thank you for your attention to this matter. Please direct all communications and correspondence to our office going forward. If you have any questions, please do not hesitate to contact us at (561) 447-8888.

Best regards,

A handwritten signature in black ink, appearing to read "T.C. Givens", is centered below the "Best regards," text.

Tamra C. Givens
(tgivens@shavitzlaw.com)