

August 11, 2022

Via Certified U.S. Mail

Attn: PAGA Administrator
Labor & Workforce Development Agency
801 K STREET., SUITE 2101
SACRAMENTO, CA 95814

Ross Dress for Less, Inc.
Agent for Service of Process
CT Corporation System
330 N Brand Blvd, Suite 700
Glendale, CA 91203

Ross Dress for Less, Inc.
5130 Hacienda Drive
Dublin, CA 94568

Re: Cal. Lab. Code Section 2699.3 Notice

Dear Sir or Madam:

This law firm represents Farokh Amiri, a current employee of Ross Dress for Less, Inc. (hereinafter "Ross"). Pursuant to Cal. Lab. Code Section 2699.3, this letter notifies you that Mr. Amiri intends to file a lawsuit seeking penalties against Ross for violation of Wage Order 7-2001, Section 14(A) and Cal. Lab. Code Section 1198.

Under Wage Order 7-2001, Section 14(A), an employer is required to provide its employees with suitable seats if the nature of the work performed reasonably permits the use of a seat. See, *Kilby v. CVS Pharmacy, Inc.* (2016) 63 Cal.4th 1. Mr. Amiri is currently employed by Ross at store number 10 (1600 Saratoga Ave) as a Store Protection Specialist. As a Store Protection Specialist, Mr. Amiri, like all other aggrieved employees, works at a fixed location.

As a Store Protection Specialist, the nature of the work performed by Mr. Amiri and all other aggrieved employee Store Protection Specialists consists of: (1) being positioned in a fixed location adjacent to an entry/exit; and (2) monitoring incoming/outgoing guests. In the performance of these duties, Mr. Amiri, and all other aggrieved employee Store Protection Specialists, were required to stand in a fixed location. At all times relevant, Ross had a policy requiring Mr. Amiri, and all other aggrieved employee Store Protection Specialists, to stand at all

times during the performance of their work duties and did not provide Mr. Amiri, or any other aggrieved employee Store Protection Specialists, with a suitable seat.

Based on our investigation, we believe that the nature of the work performed by Mr. Amiri, and all other aggrieved employee Store Protection Specialists, reasonably permits the use of a seat. Specifically, we believe that it is feasible for Store Protection Specialists to perform their work while seated and that the provision of a seat/stool would neither interfere with the performance of any tasks that require standing nor affect the quality and effectiveness of the aggrieved employee's job performance. See, *Kilby*, 63 Cal.4th at 18-20. As a result, we believe that Ross has violated Wage Order 7-2001, Section 14(a), and Cal. Lab. Code Section 1198 by failing to provide suitable seating to Mr. Amiri and all other aggrieved employee Store Protection Specialists because the nature of their work reasonably permits the use of a seat.

Under Cal. Lab. Code Section 1198, "the employment of an employee ... under conditions of labor prohibited by the [wage] order is unlawful." We believe that Mr. Amiri and other current and former employees employed by Ross as Store Protection Specialists are entitled to penalties under Cal. Lab. Code Section 2699(f) based on Ross' violation of Wage Order 7-2001, Section 14(a) and Cal. Lab. Code Section 1198.

Sincerely,

RIGHETTI GLUGOSKI, P.C.



Matthew Righetti