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MALLISON & MARTINEZ

ATTORNEYS AT LAW

1939 HARRISON STREET
SUITE 730
OAKLAND, CA 94612

STAN S. MALLISON*
HECTOR R. MARTINEZ
JOSEPH D. SUTTON
ERIC S. TRABUCCO

*MEMBER OF CA & NV BAR
** MEMBER OF CA & NY BAR

TELEPHONE: (510) 832-9999
FACSIMILE: (510) 832-1101

BAKERSFIELD OFFICE:
4949 BUCKLEY, SUITE 112

TEL: (661) 885-8333
FAX: (661) 215-6048

VIA U.S. CERTIFIED MAIL—RETURN RECEIPT REQUESTED

October 26, 2015

Attention: PAGA Administrator
California Labor & Workforce Development Agency
1515 Clay Street, Suite 801
Oakland, CA 94612

Genesis Logistics, Inc.
Agent of Service: CT Corporation
818 West Seventh Street, Suite 930
Los Angeles, CA 90017

Genesis Logistics, Inc.
570 Polaris Parkway Dept. 110
Westerville, OH 43082

Re: Amended Labor Code §2699 Notice by Long Nguyen & Christopher Sherman

Dear PAGA Administrator:

Please consider this a request under Labor Code § 2699.3(a)(1) for the California Labor & Workforce Development Agency ("LWDA" or "Agency") to take action against Genesis Logistics, Inc., and its agents managers and supervisors (collectively "Genesis Logistics"), for violations of the California Labor Code described below. I am writing on behalf of Long Nguyen and Christopher Sherman, aggrieved employees represented by this law firm who seek to assert a PAGA claim on behalf of the State of California and all other current or former employees who have been employed at facilities operated by Genesis Logistics.

Further, pursuant to California Labor Code §§ 210, 558, 1197.1 and others please consider this a notice to Genesis Logistics and its agents, managers and supervisors and any other person acting on behalf of Genesis Logistics who violates, or causes to be violated, sections of the California Labor Code or Wage Orders governing hours and days of work as described below, including all managers, executives, agents, attorneys, contractors and supervisors.

This investigation request and notice of California Labor Code violations concerns the systematic failure by Genesis Logistics to pay current and former California non-exempt

employees in conformance with provisions set forth in the California Labor Code and in Wage Orders promulgated by the Industrial Welfare Commission. At the core of Genesis Logistics' violations are unlawful payroll and labor practices or policies whereby workers are not provided appropriate meal periods. Meal periods are not scheduled or provided, and on the rare occasion that they are provided, they are untimely, on duty, interrupted or they are not of the required statutory length. Genesis Logistics does not provide or schedule a second meal break for shifts greater than 10 hours. Genesis Logistics also enforces a payroll policy whereby workers are not paid the statutorily required premium wages for missed meal periods, and are discouraged from meal breaks and rest breaks through routing, compensation and other employment and payroll policies. Further, Genesis Logistics enforces a policy or practice where hours worked are not accurately recorded, and workers are not provided accurate wage statements or paid all wages owed upon separation from employment. Genesis Logistics also enforces a policy of discouraging rest or recovery breaks, that proper rest and recovery breaks were not made available and that employees were discouraged or otherwise prevented from taking proper rest breaks.

Liability under the Private Attorneys General Act (Cal. Labor Code §§ 2698 *et seq.*) ("PAGA") may be based on a wide variety of Labor Code provisions, including but not limited to §§ 201, 202, 203, 210, 216, 218, 218.6, 223, 225, 226, 226.7, 510, 512, 1174, 1175, 1194, 1194.2, 1197, 1197.1 1199 and 2673.1(a), IWC wage orders, 2699 *et seq.* and all of the provisions listed in Labor Code 2699.5 (including the penalty provisions related to these predicate provisions), among many others. Any violation of these or any other Labor Code provisions serves as the basis for a PAGA claim by an aggrieved employee on behalf of themselves and other current and former employees.

In particular, the policies described above and the violations set forth below relate to all the non-exempt employees employed at Genesis Logistics' locations in California:

1. Failure to pay non-exempt employees all wages earned (minimum, contract, overtime, split shift, and reporting time wages, unpaid time), in violation of Cal. Labor Code §§ 201, 202, 221, 510, 1194, 1197.1, 558, and the Wage Orders, by inaccurately keeping records of actual hours worked and wages earned, and by requiring, suffering or permitting employees to work without compensation and auto-deducting time for meal periods that are not taken.
2. Failure to provide timely, uninterrupted meal periods of at least 30 minutes free from employer control, or additional wages in lieu thereof; failure to provide a second uninterrupted meal periods of at least 30 minutes free from employer control for shifts greater than 10 hours, or additional wages in lieu thereof; requiring on-duty meal periods without an agreement or need to do so, yet failing to pay for on-duty meal periods.
3. Failure to provide proper rest periods and discouraging rest or recovery breaks, that proper rest and recovery breaks were not made available and that employees were discouraged or otherwise prevented from taking proper rest breaks.

4. Failure to keep accurate time records, in violation of the Labor Code and Wage Orders.
5. Failure to pay all wages owed immediately or within 72 hours upon separation from employment in violation of Labor Code §§ 201, 202, 203, and 256 since it systematically failed to pay all wages earned and failed to pay all additional wages in lieu of providing all rest and meal periods.
6. Failure to keep accurate time records and failure to provide accurate wage statements that reflect the actual hours worked and amounts earned.
7. Failure to pay vacation wages, in violation of Labor Code §§ 223.7, 201, 202, 221, 1194, 1197.1 and the Wage Orders.
8. Failure to reimburse business expense, in violation of the Wage Order and Labor Code §2802.
9. Requiring employees to supply tools and equipment for the job but failing to pay at least twice the minimum wage, in violation of the Wage Orders.

The above provisions do not include all of the derivative penalties associated with the above provisions, which are listed throughout the Labor Code. Further facts and theories supporting the alleged violations are included in the enclosed complaint, which is incorporated into this notice.

Aggrieved employee Long Nguyen and Christopher Sherman can be contacted through our office: Mallison & Martinez, Attorneys at Law, 1939 Harrison Street, Suite 730, Oakland, California 94612.

If no action is taken within 30 days, we will assume that we may pursue this action against the above Genesis Logistics' entities and persons and pursuant to §210, 558 and 1197.1 (and other provisions) against Genesis Logistics' and its agents, managers and supervisors pursuant to Labor Code §2698 *et seq.*

If you have any questions, please do not hesitate to contact me.

Sincerely,

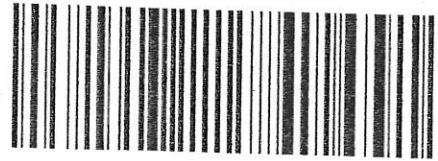
MALLISON & MARTINEZ

A handwritten signature in black ink, appearing to read 'M. Palau', with a long horizontal flourish extending to the right.

Marco A. Palau

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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Mallison & Martinez, Attorneys At Law
1939 Harrison Street, Suite 730
Oakland CA 94612

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DEPT. OF INDUSTRIAL RELATIONS

OCT 28 2015

RETURN RECEIPT REQUESTED

LABOR RELATIONS DIVISION
OAKLAND DISTRICT OFFICE

SHIP TO:

ATTENTION: PAGA ADMINISTRATOR
CALIFORNIA LABOR & WORKFORCE DEVELOPMENT
1515 CLAY ST STE 801
OAKLAND CA 94612-1463

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