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April 8, 2025

VIA ONLINE SUBMISSION

California Labor & Workforce Development Agency  
ATTN: PAGA Administrator  
(<https://dir.govfa.net/418>)

Subject: *Genevieve Mefford v. Dolgen California LLC, et al.*

Dear PAGA Administrator:

This office represents Genevieve Mefford in connection with her claims under the California Labor Code, and this letter is sent in compliance with the notice requirements of the California Labor Code Private Attorneys General Act, California Labor Code section 2699.3. Ms. Mefford was an employee of DOLGEN CALIFORNIA LLC; DOLLAR GENERAL CORPORATION; and/or DG STRATEGIC VII, LLC. For the purpose of this letter, Ms. Mefford collectively refers to these entities as "DOLLAR GENERAL."

The employers may be contacted directly at the addresses below:

DOLGEN CALIFORNIA LLC  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072

DOLLAR GENERAL CORPORATION  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072

DG STRATEGIC VII, LLC  
100 MISSION RIDGE  
GOODLETTSVILLE, TN 37072

Ms. Mefford intends to seek civil penalties, attorneys' fees, costs, and other available relief for violations of the California Labor Code, which are recoverable under sections 2698, *et seq.*, the Labor Code Private Attorneys General Act of 2004 ("PAGA"). Ms. Mefford seeks relief on behalf of herself, the State of California, and other persons who are or were employed by DOLLAR GENERAL as a non-exempt employee in a California retail store location ("aggrieved employees"). This letter is sent in compliance with the notice and reporting requirements of California Labor Code section 2699.3.

DOLLAR GENERAL employed Ms. Mefford as a non-exempt employee from approximately August 2023 to July 2024. Ms. Mefford worked for DOLLAR GENERAL as a Sales Associate and Lead Sales Associate at its retail store in Penn Valley, California (17652 Penn Valley Dr., Penn

Valley, CA 95946). Ms. Mefford typically worked eight (8) hours per day and five (5) days per week, on varying days. Ms. Mefford's job duties included, without limitation, operating the cash register, cleaning the store, counting the nightly deposit, and training and overseeing associates.

DOLLAR GENERAL committed each of the following Labor Code violations against Ms. Mefford, the facts and theories of which follow, making her an "aggrieved employee" pursuant to California Labor Code section 2699(c)(1).<sup>1</sup> Ms. Mefford's relevant claims are as follows:

### **DOLLAR GENERAL's Company-Wide and Uniform HR Practices**

DOLGEN CALIFORNIA LLC and DG STRATEGIC VII, LLC are Tennessee limited liability companies. DOLLAR GENERAL CORPORATION is a Tennessee corporation. Together, they own and operate more than 20,000 discount retail stores in 48 states throughout the United States, approximately 264 of which are in California, under the "Dollar General" store brand. Dollar General stores sell consumable items such as paper and cleaning products, packaged food, and health and beauty items, as well as seasonal merchandise, home products, and apparel.

Upon information and belief, DOLLAR GENERAL maintains a centralized Human Resources (HR) department at its corporate headquarters in Goodlettsville, Tennessee, for all non-exempt employees working for DOLLAR GENERAL at retail stores in California, including Ms. Mefford and other aggrieved employees. DOLLAR GENERAL maintained uniform practices with respect to its provision of seats (or lack thereof) in its retail stores for all non-exempt employees in California, including Ms. Mefford and other aggrieved employees, regardless of their location or position.

### **Violation of California Labor Code § 1198 and California Code of Regulations Title 8, Section 11070 Subdivision 14(A) – Failure to Provide Suitable Seating**

California Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable Industrial Welfare Commission ("IWC") Wage Order. California Labor Code section 1198 requires that "... the standard conditions of labor fixed by the commission shall be the ... standard conditions of labor for employees. The employment of any employee ... under conditions of labor prohibited by the order is unlawful." California Code of Regulations, Title 8, section 11070(14)(A) provides that "[a]ll working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats."

"The 'nature of the work' refers to an employee's tasks performed at a given location for which a right to a suitable seat is claimed, rather than a 'holistic' consideration of the entire range of an employee's duties anywhere on the jobsite during a complete shift. If the tasks being performed at a given location reasonably permit sitting, and provision of a seat would not interfere with performance of any other tasks that may require standing, a seat is called for." *Kilby v. CVS Pharmacy, Inc.*, 368 P.3d 554, 558 (Cal. 2016). "Whether the nature of the work reasonably permits sitting is a question

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<sup>1</sup> These facts, theories, and claims are based on Ms. Mefford's experience and counsel's review of those records currently available relating to Ms. Mefford's employment. Discovery conducted in litigation of wage and hour claims such as these often reveals additional claims that the aggrieved employee was not initially aware of (because the aggrieved employee was not aware of the law's requirements, the employer misinformed its employee of the law's requirements, or because the employer effectively hid the violations). Thus, Ms. Mefford reserves the right to supplement this letter with additional facts, theories, and claims if she becomes aware of them subsequent to the submission of this letter.

to be determined objectively based on the totality of the circumstances. An employer's business judgment and the physical layout of the workplace are relevant but not dispositive factors. The inquiry focuses on the nature of the work, not an individual employee's characteristics." *Id.* The burden of proof to show suitable seating is not available is on the employer. *Id.* at 568. In other words, the employer must show that compliance is "infeasible because no suitable seating exists." *See id.*

DOLLAR GENERAL's California retail stores are generally similar in their layout and design and there was, and continues to be, space at cash wraps that would allow for the presence and use of a seat or stool by Ms. Mefford and other aggrieved employees during the performance of their work duties at the cash wraps. However, DOLLAR GENERAL has designed its cash wraps to require Ms. Mefford and other aggrieved employees to stand while performing their work duties at those locations. DOLLAR GENERAL could have provided Ms. Mefford and other aggrieved employees with suitable seats at cash wraps, with reasonable or no modification to the work area(s), but instead has denied and continues to deny them seats altogether or denies them suitable seats. As a result, Ms. Mefford and other aggrieved employees are and have been forced to stand throughout the day. In addition, DOLLAR GENERAL failed to expressly advise Ms. Mefford and other aggrieved employees that they could utilize seats while performing their duties.

During her employment, Ms. Mefford performed cashiering duties at DOLLAR GENERAL's cash wraps and spent a significant portion of her day behind the cash register. Other aggrieved employees similarly spent a portion of their day at cash wraps performing cashier duties. The nature of the work of an employee performing cashier duties can reasonably be accomplished from a seated position. Ms. Mefford and other aggrieved employees could have handled customer transactions and performed other similar tasks at cash wraps at any of DOLLAR GENERAL's stores while seated without affecting the quality and effectiveness of the performance of their job duties. However, as set forth herein, DOLLAR GENERAL systematically, and on a company-wide basis, does not provide seats or does not provide suitable seats at cash wraps and expressly prohibits employees from sitting while working, forcing Ms. Mefford and other aggrieved employees to stand throughout their work shifts.

DOLLAR GENERAL violated California Labor Code section 1198 and California Code of Regulations, Title 8, section 11070(14)(A) because Ms. Mefford and other aggrieved employees were not allowed to sit, even when the nature of their work would reasonably permit the use of seats, nor were they provided with suitable seats. DOLLAR GENERAL's management did not inform Ms. Mefford and other aggrieved employees that they were allowed to sit down, provide any means for them to sit down, or mention any policy regarding sitting. DOLLAR GENERAL's failure to provide suitable seating to Ms. Mefford and other aggrieved employees violates California Labor Code section 1198 and IWC Wage Order No. 7-2001, subdivision 14(A).

Ms. Mefford and other aggrieved employees are entitled to recover civil penalties, attorneys' fees, costs, and interest thereon, and seek injunctive relief to bring DOLLAR GENERAL into compliance with the applicable IWC Wage Order and Labor Code section 1198, pursuant to Labor Code sections 1194.5 and/or 2699(a), (f), and (k).

**Violation of California Labor Code § 1198 and California Code of Regulations Title 8, Section 11070 Subdivision 14(B) – Failure to Provide Suitable Seating**

California Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable IWC Wage Order. California Labor Code section 1198 requires that “. . . the standard conditions of labor fixed by the commission shall be the . . . standard conditions of labor for employees. The employment of any employee . . . under conditions of labor prohibited by the order is unlawful.” California Code of Regulations, Title 8, section 11070(14)(B) provides that “[w]hen employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties.”

The IWC states that subdivision 14(B) applies during “lulls in operation” when an employee, while still on the job, is not then actively engaged in any duties. *Kilby v. CVS Pharmacy, Inc.*, 368 P.3d 554, 565 (Cal. 2016), citing IWC, 1976 Wage Orders, Summary of Basic Provisions, Seats. When taken together, an employee is entitled to a seat under subdivision 14(A) if his or her actual tasks at a discrete location make seated work feasible, while working there. *Id.* However, if other job duties take the employee to a different location where he or she must perform tasks requiring standing, the employee would be entitled to a seat under subdivision 14(B) during “lulls in operation.” *Id.*

DOLLAR GENERAL has not placed an adequate number of suitable seats within reasonable proximity to the work areas of employees who perform duties, whose nature require standing, and therefore has not permitted employees to use those seats when not actively engaged in performing their standing duties (i.e., during “lulls in operation”), even though sitting would not interfere with the performance of their job duties.

During her employment, Ms. Mefford experienced lulls in her work at various times during a typical shift, especially when the store was not busy, such as in the morning and during the last few hours that the store is open. During these lulls, when Ms. Mefford was not actively performing tasks (the nature of which require standing), Ms. Mefford could have taken a moment to sit and rest her legs, back, and feet if seating was provided. DOLLAR GENERAL could have provided Ms. Mefford and other aggrieved employees with a suitable seat or stool within reasonable proximity of their work areas but instead denies employees seats and forces Ms. Mefford and other aggrieved employees to stand throughout the day. Moreover, DOLLAR GENERAL did not inform Ms. Mefford and other aggrieved employees of their rights to a seat or stool under California law. DOLLAR GENERAL’s failure to provide suitable seating to Ms. Mefford and other aggrieved employees within reasonable proximity of their work areas and permit them to use those seats when not actively engaged in their standing duties violates California Labor Code section 1198 and IWC Wage Order No. 7-2001, subdivision 14(B).

Ms. Mefford and other aggrieved employees are entitled to recover civil penalties, attorneys’ fees, costs, and interest thereon, and seek injunctive relief to bring DOLLAR GENERAL into compliance with the applicable IWC Wage Order and Labor Code section 1198, pursuant to Labor Code sections 1194.5 and/or 2699(a), (f), and (k).

Ms. Mefford, acting in the public interest as a private attorney general, seeks assessment and collection of civil penalties and injunctive relief for herself, all other aggrieved employees, and the

State of California against DOLLAR GENERAL for violations of California Labor Code section 1198 and the applicable IWC Wage Order.

Therefore, on behalf of all aggrieved employees, Ms. Mefford seeks all applicable penalties related to these violations of the California Labor Code pursuant to PAGA.

Thank you for your attention to this matter. If you have any questions, please contact me at the phone number or address below:

Olivia Green  
Capstone Law APC  
1875 Century Park East, Suite 1000  
Los Angeles, CA 90067  
(310) 556-4810

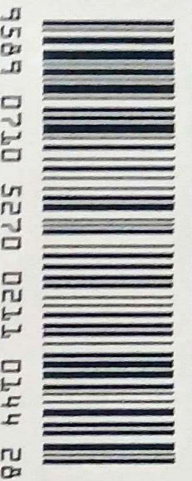
Best Regards,

A handwritten signature in black ink that reads "Olivia Green". The signature is written in a cursive, flowing style. The first name "Olivia" is written with a large, decorative 'O' and the last name "Green" is written in a similar cursive style.

Olivia Green

Copy: DOLGEN CALIFORNIA LLC (via U.S. Certified Mail); DOLLAR GENERAL CORPORATION (via U.S. Certified Mail); DG STRATEGIC VII, LLC (via U.S. Certified Mail)

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1875 Century Park, East, 1000  
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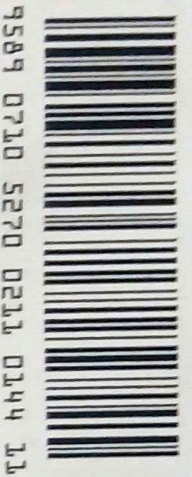
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Capstone Law, APC  
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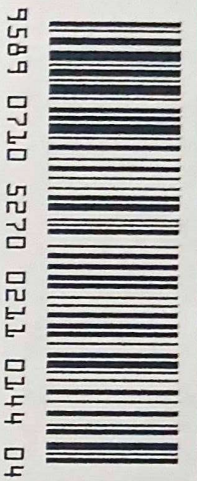
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