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Via Online Filing

California Labor & Workforce Development
Agency
800 Capitol Mall, Suite 5000 (MIC-55)
Sacramento, CA 95814

Via Certified Mail

Little Caesar's of Santa Cruz, Inc.
c/o Agent for Service of Process:
California Registered Corporate Agent (1505)
1401 21st St, Ste R
Sacramento, CA 95811

Re: Notice of Labor Law Violations
California Labor Code §§ 2699, 2699.3, 2699.5
Aggrieved Employee: Andrea Garcia
Our File No.: G0105-600

To Representatives of the Labor and Workforce Development Agency and Little Caesar's of Santa Cruz, Inc.:

Pursuant to California Labor Code §§ 2699, 2699.3, and 2699.5, aggrieved employee Andrea Garcia, on behalf of herself and as representatives on behalf of all current and former aggrieved employees (hereinafter shall be collectively referred to as "the employees") of Little Caesar's of Santa Cruz, Inc. (hereinafter shall be referred to as "the employer"), hereby notifies you of the labor law violations and facts and circumstances giving rise to them, committed by the employer.

The employees were subjected to numerous violations based on, among others, the following facts, circumstances and laws:

Ms. Garcia worked for the employer from approximately June 2013, through approximately May 14, 2024.

The employer maintained and enforced a meal period policy that failed to provide a 30-minute duty-free meal period to the employees that began before more than five hours were worked. Additionally, the employer failed to compensate the employees one hour of wages at their regular rate of compensation for each meal period not afforded as required by California Labor Code § 226.7, and the applicable Industrial Welfare Commission Wage Order.

The employer also maintained and enforced a uniform policy by which they repeatedly failed to authorize, permit and provide the employees with a paid duty-free rest period of at least 10 consecutive uninterrupted minutes during which the employees were relieved of all duties for every four hours worked or major fraction thereof and which were counted as hours worked for

which there would be no deduction from wages. Additionally, the employer failed to compensate the employees one hour of wages at their regular rate of compensation for each rest period not afforded as required by California Labor Code § 226.7, and the applicable Industrial Welfare Commission Wage Order.

The employer maintained and enforced a policy that did not properly record all hours worked by the employees and, as a result, the employees were not paid for all hours worked in violation of Labor Code section 1174(d). For example, the employer did not have any policy or practice in place for tracking if and when lunch breaks were taken, but rather applied automatic deductions of 30 minutes from the employees' total daily hours worked without regard for whether the employee was actually able to take a full 30-minute lunch break each workday. Additionally, the employer failed to pay the employees wages for time spent driving to different worksites.

Because of the employer's failure to properly record and pay hourly wages for all hours worked by the employees, the employees were also deprived overtime wages for hours worked in excess of eight (8) in a day and forty (40) in a week. Consequently, the employer failed to pay the employees overtime premium wages of one and one-half times the employee's regular rate of pay for all hours worked over eight (8) hours in a single workday and/or more than forty (40) hours in a single workweek, as required by California Labor Code §§ 510 and 1194 and the applicable Industrial Welfare Commission Wage Order.

The employer maintained and enforced a policy by which they repeatedly required the employees to use their personal cell phones for work-related purposes. The employer failed to reimburse the employees for such work-related expenses as required by labor Code section 2802. As an example, Ms. Garcia was regularly required to use her personal cell phone for work purposes without any form of reimbursement.

Moreover, the employer issued incomplete and inaccurate wage statements to the employees that included, but not limited to, the total hours worked, overtime hours worked, reimbursement for work-related expenses, gross wages earned, net wages earned, all applicable rates of pay and the corresponding number of hours worked under each rate, all deductions, premium wages owed for missed rest and meal periods, and an accurate accounting for all wages, in violation of Labor Code section 226.

Finally, the employer willfully failed to pay the employees upon the termination of their employment all owing and unpaid wages for work performed by them during their employment and at the end of their employment. Such wages include, but are not limited to, wages for all hours worked, minimum wages, overtime premium wages for all overtime hours worked, compensation for missed meal and rest periods, and reimbursement for work-related expenses. The employer maintained and enforced a uniform policy by which it violated Labor Code section 204 by failing to pay all employees their earned wages in a timely manner following the end of each pay period within the deadlines set forth in Section 204.

The legal violations arising from the conduct referenced above and below include, but are not limited to, the following:

1. The employer failed to pay either agreed wages for all hours worked;
2. The employer failed to pay wages in a timely manner;
3. The employer failed to pay employees who were discharged or who resigned all wages owed within the time required by Labor Code §§ 201 and 202;
4. The employer failed to:
 - a. Record in ink or other indelible form, properly dated, showing the month, day, and year, all deductions made from payment of wages of the employees. They also failed to provide the employees with a copy of the statement, and they failed to maintain a record of the deductions on file for at least three years at the place of employment or at a central location within the State of California;
 - b. Furnish to the employees, semimonthly or at the time of each payment of wages, a complete and accurate itemized statement in writing showing: (1) gross wages earned; (2) total hours worked; (3) all deductions; (4) net wages earned; (5) the inclusive dates of the period for which the employee is paid; (6) the name and address of the legal entity that is the employer and, if the employer is a farm labor contractor, as defined in subdivision (b) of Section 1682, the name and address of the legal entity that secured the services of the employer and; (7) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee;
5. The employer failed to keep accurate records, including but not limited to time and pay records showing when the employees begin and end each work period, start and stop times for meal periods and the total length of meal periods, the total daily hours worked in each payroll period, the applicable rate of pay and the total wages paid for at least three years at the place of employment or at a central location within the State of California;
6. The employer repeatedly employed the employees for work periods of more than five hours per day without providing them with timely meal periods of not less than 30 minutes during which the employees were relieved of all duties, and failed and refused to pay the employees one hour of pay at their regular rate of compensation for each workday that such meal periods were not provided;
7. The employer repeatedly employed the employees for work periods of more than ten hours per day without providing them with a second meal periods of not less than 30 minutes during which the employees were relieved of all duties, and failed and refused to pay the employees one hour of pay at their regular rate of compensation for each workday that such meal periods were not provided;
8. The employer repeatedly employed the employees for work days of at least three and one half hours without authorizing and permitting them to take paid rest periods of at least 10 minutes net rest time for every four hours work time or major fraction thereof in the middle of each work period, insofar as practicable, and failed and refused to pay the employees

one hour of pay at the their regular rate of compensation for each work day that one or more rest periods were not provided; and

9. The employer failed to provide the employees with reimbursement for work-related expenses.

The above-described conduct by the employer violates numerous provisions of the Labor Code, including but not limited to, Labor Code §§ 201, 201.3, 202, 203, 204, 218.5, 218.6, 223, 225.5, 226, 226.7, 233, 510, 512, 558, 1194, 1197, 1197.1, 1198, 1199, 2699, 2800, 2802, and the applicable California Industrial Welfare Commission Wage Order. The employees seek wages and penalties from the employer.

Very truly yours,

FITZPATRICK & SWANSTON

A handwritten signature in black ink, appearing to read 'B. James Fitzpatrick', is written over the printed name.

B. James Fitzpatrick

BJF/jm