

Private Attorneys General Act (PAGA) Notice Letter

April 24, 2025.

Submitted to:

California Labor and Workforce Development Agency (LWDA)
[Online submission via LWDA portal]

Ralphs Grocery Company (Kroger Co.)
Company's Legal Department
1100 W Artesia Blvd. , Compton, CA 90220

Submitted by:

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Attorney for Claimant Yogendra Ankiah

I. Parties

Claimant/Aggrieved Employee:

Yogendra Ankiah

Formerly employed as a full-time pharmacist by Ralphs Grocery Company

Employment Period: February 10, 2019 – February 9, 2024

Location: California

Employer:

Ralphs Grocery Company

Subsidiary of The Kroger Co.

1100 W Artesia Blvd., Compton, CA 90220

Approximate number of employees: Over 500

II. Summary of Alleged Violations

Ralphs Grocery Company has violated multiple provisions of the California Labor Code, including but not limited to:

- **Labor Code § 1102.5** – Retaliation for disclosing or refusing to participate in unlawful activity;
- **Labor Code § 98.6** – Retaliation for asserting labor rights;
- **Labor Code §§ 201–203** – Waiting time penalties for failure to pay final wages promptly upon termination;
- **Labor Code § 1198** – Requiring employees to work under unlawful conditions;

- **Labor Code § 2802** – Failure to reimburse employees for required use of personal property (i.e., smartphones);
- **Labor Code § 232** – Retaliation for discussing working conditions;
- **Labor Code § 6310 and § 6400 et seq.** – Failure to provide a safe workplace free from unreasonable invasions of privacy.

III. Factual Allegations

Mr. Ankiah, a full-time pharmacist employed from February 10, 2019, to February 9, 2024, was wrongfully terminated after raising valid privacy objections to the company's training platform, "Fresh Start (Axonify)," which coerced employees into allowing the employer broad access to their personal smartphones.

Despite language suggesting use of personal smartphones was voluntary, in practice, Mr. Ankiah was prevented from accessing training on company computers due to the same privacy-waiving disclaimer appearing on all devices. The agreement allowed the company to monitor, wipe, or access personal data, which Mr. Ankiah objected to on multiple occasions, as evidenced in extensive documented correspondence.

Claimant Yogendra Ankiah was employed by Ralphs as a full-time pharmacist for five years. In 2023, Ralphs required employees to complete a corporate training module through its "Fresh Start (Axonify)" platform. This training tool compelled employees to enable **broad access to private data** including but not limited to location, contacts, browsing history, social media and app usage.

Mr. Ankiah, citing legitimate privacy and legal concerns, objected to the policy. Ralphs failed to offer a viable alternative platform and conditioned his continued employment on his compliance with the training's terms. As a result, Mr. Ankiah was terminated on or about **February 9, 2024**, in clear retaliation for his objection to the coercive and intrusive practice.

The requirement that employees relinquish digital privacy rights as a condition of continued employment constitutes a violation of public policy and specific statutory protections under the California Labor Code.

IV. Aggrieved Employees and Representative Standing

Mr. Ankiah brings this action **on behalf of himself and all other current and former employees of Ralphs** in California who were subject to the same or similar coercive training policies involving the Axonify platform. These employees were either:

- Compelled to consent to the broad access to private data, or
- Disciplined or terminated for objecting to the same.

This constitutes a **pattern or practice** of violating employees' privacy, retaliating against protected activity, and failing to maintain lawful working conditions.

V. Request for LWDA Review

Pursuant to Labor Code § 2699.3, this notice is provided to afford the LWDA an opportunity to investigate and cite the employer. If the LWDA does not act within the prescribed time limits, Claimant intends to bring a **civil action under PAGA** to recover civil penalties on behalf of himself, other aggrieved employees, and the State of California.



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