



May 29, 2025

Labor and Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

RE: PAGA Notice, Christopher Venegas v. USA Waste of California, Inc.

Dear Labor Commissioner,

As counsel for, and on behalf of, Christopher Venegas (hereinafter referred to as "Claimant"), I am writing to provide you and the following employer(s) (hereafter "Defendant(s)") notice pursuant to California Labor Code section 2699.3:

Villara Corporation
4700 Lang Ave
McClellan, CA 95652

I am setting forth the facts and theories to support each of the counts found within this letter. Please notify us of your intent to investigate any or all of the claims alleged herein against any of the above identified Defendant(s). Should you decide not to investigate, we request that you allow us to seek civil penalties on behalf of the Labor Commissioner, Claimant, and all similarly situated current and former aggrieved employees, pursuant to California Labor Code section 2699(a). A \$75.00 filing fee is being submitted to Department of Industrial Relations, Accounting Unit, 455 Golden Gate Avenue, 10th Floor, San Francisco, CA 94102.

A. FACTS

Claimant worked as non-exempt HVAC Installer in Defendant's construction establishment. Claimant received an hourly wage. Similarly situated employees include all non-exempt employees working for Defendant in its California locations.

Defendants did not allow Claimants and similarly situated employees to take their statutorily required meal and rest periods. Defendant failed to provide Claimants and other similarly situated employees a 30-minute, duty-free meal period before the end of the fifth hour of work as required under the law. Claimants and similarly situated employees regularly missed their meal and rest periods and/ or they were provided late. In the event a meal period was provided, it was often interrupted or cut short in order to deal with work-related tasks. However, defendant still required Claimants and similarly situated employees to indicate on their timecard that a meal period was provided and taken, even if it didn't actually occur or if it occurred after the fifth hour.

Defendant also failed to provide rest periods to Claimants and similarly situated employees for every 4 hours worked or major fraction thereof. Defendant's management staff were aware this was occurring and did not ensure meal and/ or rest periods were provided to Claimants and similarly situated employees in compliance



with California law. Defendant also failed to pay Claimants and similarly situated employees the statutorily required missed meal or missed rest period premium when these breaks were not provided.

These practices of defendant have also resulted in unpaid minimum and overtime wages as defendant failed to pay wages for the occasions in which claimants and similarly situated employees timecards falsely showed a meal. When it was not provided or taken. In addition, defendant failed to pay overtime to claimants and similarly situated employees at the correct regular rate of pay by or piece rate pay, into the regular rate calculation. Claimant and similarly aggrieved employees regularly worked over 8 hours a day and or 40 hours a week. However, as described, defendant did not pay these employees all over time and double time wages earned during their employment by failing to properly calculate the regular rate of pay.

As a result, defendants did not provide claimants and similarly situated employees legally compliant wage statements noting, among other things, the total hours works, gross wages earned, the applicable hourly rates and effect during the pay, the corresponding number of hours worked each at each hourly rate, and the amount for reimbursement. Defendant also did not provide Claimant and similarly situated aggrieved employees all wages owed upon their termination or within 72 hours of their separation from employment.

Additionally, claimants and similarly aggrieved employees were required to use their cell phone to clock in a out of work and Defendants did not reimburse for expenses incurred by Claimant for the phone.

Claimant is informed and believed that defendant committed numerous other violations of the California Labor Code, including but not limited to those identified in this letter. Pursuant to *Huff v. Securitas Sec. Servs. USA, Inc.*, 23 Cal. App. 5th 745 (2018), Claimants intend to seek civil penalties for all violations of the California Labor Code, whether they experienced them personally or not.

B. VIOLATIONS OF THE LABOR CODE EXPERIENCED BY CLAIMANT AND SIMILARLY SITUATED EMPLOYEES

Violation of Labor Code§ 1174 (Failure to Keep Accurate Time Records)

Labor Code section 1174(d) requires employers to keep "payroll records showing the hours worked daily by and the wages paid to ... employees ... These records shall be kept in accordance with rules established for this purpose by the commission, but in any case, shall be kept on file for not less than three years." Defendant did not keep accurate information regarding all hours worked by Claimants and similarly situated employees, largely by failing to accurately record all time worked on their time records. This was in violation of the Labor Code.

Violation of Labor Code§ 226.7 and IWC Wage Order No. 4-2001, § 11(A) (Failure to Provide Meal Periods)

Labor Code section 226.7 and IWC Wage Order No. 4-2001, section 11(A) require employers to provide employees meal periods of thirty (30) minutes per five (5) hours worked. For the reasons stated above, Claimant and similarly situated employees were not authorized and permitted to take legally compliant meal periods pursuant to California law. Defendant instructed claimants to take their mean period after the fifth hour without

additional compensation. Defendant also failed to pay meal period premiums at one hour of pay at the employees' regular rate of pay for its failure to provide meal periods.

Violation of Labor Code § 226.7 and IWC Wage Order No. 5-2001, § 12(A) (Failure to Provide Rest Periods)

Labor Code section 226.7 and IWC Wage Order No. 5- 2001, section 12(A) require employers to provide employees paid off-duty rest periods of ten (10) minutes per four (4) hours or major fraction thereof worked. For the reasons stated above, Claimants and similarly situated employees were not authorized and permitted to take legally compliant rest periods pursuant to California law in violation of the Labor Code. Defendant also failed to pay rest period premiums of one hour of pay at the employees' regular rate of pay for their failure to provide rest periods.

Violation of Labor Code § 2802 (Unreimbursed Business Expenses)

Labor Code section 2802 provides that an employer must reimburse employees for all necessary expenditures and losses incurred by the employee in the performance of his or her job. The purpose of the Labor Code section 2802 is to prevent employers from passing off their cost of doing business and operating expenses onto their employees. *Cochran v. Schwan's Home Service, Inc.*, 228 Cal. App. 4th 1137, 1144 (2014). Defendants failed to pay Claimant mileage driven between facilities.

Violation of Labor Code §§ 226, 226.3 (Failure to Provide Accurate Wage Statements)

Labor Code section 226 requires employers to furnish to employees with "an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, ... (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and only the last four digits of his or her social security number or an employee identification number other than a social security number, (8) the name and address of the legal entity that is the employer . . . and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee " For the reasons-stated above; Defendant failed to comply with these requirements with respect to Claimants and similarly situated employees in violation of the Labor Code.

Violation of Labor Code §§ 201-203, 256 (Failure to Pay Final Wages).

Labor Code sections 201-203 require that all wages, including minimum wages and meal and rest period premiums, be paid to employees upon separation and/or termination of employment. Here, for the reasons stated above, Claimants and similarly situated employees did not receive all final wages due and owing to them at the time of termination or seventy-two (72) hours thereafter as required by Labor Code sections 201-203. This is in violation of the Labor Code.

Violation of Labor Code §§ 1194, 1197.1; IWC Wage Order No. 4-2001, § 4 (Failure to Pay Minimum Wages)



During the period Claimants and similarly situated employees were employed by Defendant they were entitled to be paid at least the State's minimum wage rate for each hour that they worked. See, e.g., IWC Wage Order MW-2014, MW-2017; IWC Wage Order No. 4-2001, section (4); Cal. Lab. Code §§ 1194, 1197.1. For the reasons stated above, Defendant did not pay Claimants and similarly situated employees at least minimum wage for all hours worked. Thus, Claimants and similarly situated employees were not paid at least the applicable state minimum wage for all hours worked in violation of the Labor Code.

Violation of Labor Code §§ 510, 1194; IWC Wage Order No. 4-2001, § 3 (Failure to Pay Overtime Wages)

Labor Code sections 510 and 1194 require employers to pay employees overtime for any work in excess of eight (8) hours in one workday and any work in excess of forty (40) hours in any one workweek. Employers must also pay overtime for the first eight (8) hours worked on the seventh day of work in any one workweek. Finally, employers must pay double time for all hours worked in excess of twelve (12) hours in any workday and for all hours worked in excess of eight (8) hours on the seventh day of work in any one workweek. As stated above, Claimants and similarly situated employees worked over eight (8) hours per day and forty (40) hours per week and were not paid overtime wages. Claimants and all similarly situated employees are entitled to recover all unpaid overtime wages.

Other Violations of the Labor Code

Pursuant to *Huff v. Securitas Sec. Servs. USA, Inc.*, 23 Cal. App. 5th 745,761,233 Cal. Rptr. 3d 502, 513 (Ct. App. 2018), reh'g denied (June 13, 2018), review denied (Aug. 8, 2018), Claimants intend to seek civil penalties for all violations of the California Labor Code, whether she experienced them personally or not.

If you have any questions or require any further information regarding the facts and theories to support these claims, do not hesitate to contact my office. Pursuant to Labor Code section 2699.3, please notify Defendant and this law office within 60 calendar days of the postmark date of this notice whether the Agency intends to investigate the alleged violations.

Very truly yours,

Yoeest Law Corp

Melissa Yoest, Esq.

cc: Villara Corporation
4700 Lang Ave
McClellan, CA 95652

Via Certified Mail