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June 17, 2025
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VIA ONLINE FILING

Labor and Workforce Development Agency

800 Capitol Mall, MIC-55

Sacramento, CA 95814

PAGAfiling@dir.ca.gov

<https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>

RE: *Sunni Campbell v. Tesco Controls, LLC et al.*

Dear Representative:

This office represents Sunni Campbell ("**Ms. Campbell**") with respect to his claims under the California Labor Code against Tesco Controls, LLC, United Flow Technologies Holdco, LLC and H.I.G Capital Management, LLC ("**Employers**"). This letter is being sent simultaneously to Employers by certified mail.

Employers employed Ms. Campbell from approximately March 7, 2022 to approximately July 22, 2024, as an hourly, non-exempt employee. During her employment with Employers, Ms. Campbell was employed as an Engineer and Office Support Specialist at 8440 Florin Road, Sacramento, CA 95828. Ms. Campbell was paid an hourly rate of \$26.50. Tesco Controls, LLC is a vertically integrated design and manufacturing company specializing in integrating and implementing electrical and process control systems for water, wastewater, transportation, lighting, and renewable energy applications. United Flow Technologies Holdco, LLC is a company that specializes in investing in the municipal and industrial water and wastewater market. H.I.G Capital Management, LLC is an alternative investment company with a focus on the mid cap segment of the market.

Ms. Campbell customarily worked over 8-hour long shifts for Employers. Ms. Campbell regularly suffered meal period violations while working for Employers. For example, Ms. Campbell's 30-minute meal periods were frequently taken after the 5th hour of work due to workload such attending meetings and request for her assistance for various work tasks. She also experienced interruptions when she was asked by supervisors and other team members to complete tasks or to attend to a task or respond to notification via Microsoft teams and emails. Ms. Campbell also missed rest periods and when she did receive a rest period or authorization to take a rest period from Employers. On the occasion that a rest period was actually permitted to be taken they were frequently interrupted or cut short by supervisors. Ms. Campbell, and other aggrieved employees, were essentially on-call and subject to Employers' control even when purportedly on break. For overtime and double-time hours worked, Ms. Campbell was not paid accurate wages, nor was she trained by Employers regarding what she was entitled to under code for such wages. Ms. Campbell was also not compensated for time spent on-call during meal and rest periods.

Ms. Campbell intends to seek penalties for violations of the California Labor Code which are recoverable under California Labor Code section 2698, *et seq.*, the Private Attorneys General Act of 2004 ("**PAGA**").



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Ms. Campbell is seeking penalties on behalf of herself and in a representative capacity on behalf of the State of California and all current and former non-exempt employees of Employer ("**Aggrieved Employees**"). This letter is being sent in compliance with California Labor Code section 2699.3.

As detailed below, Employers violated several of California's wage and hour laws during Ms. Campbell's employment, including but not limited to violations of California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 1174(d), 1194, 1197, 1197.1, 1198, 2800, 2802, and 6300, *et seq.*, and the Industrial Welfare Commission Wage Orders ("IWC Wage Order") including *inter alia*, IWC Wage Order No. 4. The claims made on behalf of Ms. Campbell and Aggrieved Employees are based upon the following facts and theories:

1. FAILURE TO PAY FOR ALL TIME WORKED AT CORRECT RATES OF PAY, INCLUDING MINIMUM WAGES, STRAIGHT TIME WAGES, AND OVERTIME COMPENSATION

Employers have engaged in numerous unlawful practices which resulted in the failure to pay Ms. Campbell and Aggrieved Employees for all time worked at the correct rates of pay, including minimum wages, straight time wages, and overtime compensation.

First, Employers regularly required Ms. Campbell and Aggrieved Employees to work more than eight (8) hours in a day or forty (40) hours in a workweek, but failed to pay them overtime compensation for such work. Employers also failed to provide Ms. Campbell and Aggrieved Employees with adequate training as to the payment of overtime compensation, all in an effort to keep its workers uninformed as to their legal right to overtime compensation. In addition, Employers regularly required Ms. Campbell and Aggrieved Employees to work off-the-clock in order to complete their duties and responsibilities. This off-the-clock work included, including but not limited to, requiring Ms. Campbell and Aggrieved Employees to: (1) respond to Employers and work-related requests and perform work while clocked out for purported meal breaks and (2) perform work before clocking in for the start of their shift such as prepping and putting on personal protective equipment. Ms. Campbell and Aggrieved Employees were not compensated for this off-the-clock work, resulting in a failure to pay minimum wages and straight time wages. Moreover, this off-the-clock work typically caused Ms. Campbell and Aggrieved Employees to work more than eight (8) hours in a day and forty (40) hours in week, resulting in a failure to pay overtime compensation.

In addition to requiring Ms. Campbell and Aggrieved Employees to perform work off-the-clock without compensation, Employers also failed to accurately record the actual time worked by Ms. Campbell and Aggrieved Employees, which resulted in a failure to pay Ms. Campbell and Aggrieved Employees for all hours actually worked, including minimum wages, straight time wages and overtime wages. Finally, and as a matter of policy and/or practice, Employers failed to pay overtime to Ms. Campbell and Aggrieved Employees for all overtime hours worked based on regular rates of pay correctly calculated to include all applicable remuneration.



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As a result of the foregoing practices, Employers have failed to pay Ms. Campbell and Aggrieved Employees for all wages earned at the correct rates of pay, including minimum wages, straight time wages, and overtime compensation. Accordingly, Employers violated IWC Wage Order No. 4 and California Labor Code sections 204, 510, 1194, 1197, 1197.1 and 1198.

Ms. Campbell and Aggrieved Employees will therefore seek unpaid wages; PAGA default penalties; penalties pursuant to paragraph (20)(A) of IWC Wage Order No. 4; penalties pursuant to California Labor Code sections 558, 1197.1, and 1199; compensation pursuant to Labor Code Section 1194; and attorneys' fees and costs.

2. FAILURE TO PROVIDE MEAL PERIODS AND PAY MEAL PERIOD PREMIUMS

Employers failed to provide Ms. Campbell and Aggrieved Employees with legally-compliant 30-minute meal periods. Ms. Campbell and Aggrieved Employees were required by Employers to work more than five (5) hours per day, but were not provided with uninterrupted 30-minute meal periods. Further, Ms. Campbell and Aggrieved Employees were not provided with a second uninterrupted 30-minute meal period when they worked over ten (10) hours per day. Employers regularly required Ms. Campbell and Aggrieved Employees to work through their first and second meal periods, to take their first meal period after their fifth (5th) hour of work, and/or to take their second meal periods after their tenth (10th) hour of work. On the occasions that Ms. Campbell and Aggrieved Employees did take a meal period, their meal periods were frequently interrupted.

Employer's policies, practices, and procedures were responsible for the violations alleged above and prevented Ms. Campbell and other Aggrieved Employees from taking timely, complete and duty-free meal periods because, amongst other reasons: (1) Employers did not have legally-compliant policies regarding the provision and timing of meal periods or systematically disregarded its own purported meal period policies; (2) Employers, affecting all hourly-non-exempt employees, failed and refused to implement and enforce legally compliant meal period policies and practices; (3) Employers failed to adequately inform and train Ms. Campbell and other Aggrieved Employees regarding their right to take timely, uninterrupted, and duty-free meal periods; (4) Employers failed to adequately inform and train Ms. Campbell and other Aggrieved Employees about their right to premium wages for non-compliant meal periods; (5) Employers failed to ensure that there was adequate staffing to allow Ms. Campbell and other Aggrieved Employees to take timely, uninterrupted, and duty-free meal periods; (6) Employers required Ms. Campbell and other Aggrieved Employees to remain on-call and respond to work-related requests at all times, including during meal periods, which included responding to telephone and in-person verbal interruptions; and (7) Employer's policy and culture prevented Ms. Campbell and other Aggrieved Employees from taking timely, uninterrupted, and duty-free meal periods because of the priority placed on completing job requirements over employees right to receive timely, uninterrupted, and duty-free meal periods.

Ms. Campbell and Aggrieved Employees did not receive an extra hour of wages at their regular rate of pay for the meal periods which were not provided to them in compliance with California law.



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Accordingly, Employers violated IWC Wage Order Nos. 4 and California Labor Code sections 226.7, 512(a) and 1198.

Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties pursuant to Labor Code section 2699; penalties pursuant to paragraph (20)(A) of IWC Wage Order No. 4; penalties pursuant to California Labor Code sections 558 and 1199; and attorneys' fees and costs.

3. FAILURE TO AUTHORIZE AND PERMIT REST PERIODS AND PAY REST PERIOD PREMIUMS

Employers failed to authorize and permit Ms. Campbell and Aggrieved Employees take legally-compliant 10-minute rest periods. Employers required Ms. Campbell and Aggrieved Employees to work through rest periods. Ms. Campbell and Aggrieved Employees were not provided with uninterrupted, duty-free rest periods when they worked more than four (4) hours or a major fraction thereof. Further, Ms. Campbell and Aggrieved Employees were not provided with a second uninterrupted, duty-free rest period when they worked more than six (6) hours in a day, or a third uninterrupted, duty-free rest period after working more than ten (10) hours in day. In the rare event that a rest period was taken, it was frequently interrupted or cut short. Moreover, Ms. Campbell and Aggrieved Employees were not completely relieved of duty as required by *Augustus v. ABM Security Services, Inc.*, 2 Cal.5th 257 (2016).

Employer's policies, practices, and procedures were responsible for the violations alleged above and prevented Ms. Campbell and other Aggrieved Employees from taking timely and complete rest periods because, amongst other reasons: (1) Employers did not have legally-compliant policies regarding the provision and timing of rest periods or systematically disregarded its own purported rest period policies; (2) Employer's management at various levels, affecting all hourly-non-exempt employees, failed and refused to implement and enforce legally compliant rest period policies and practices; (3) Employers failed to adequately inform and train Ms. Campbell and other Aggrieved Employees regarding their right to take timely, uninterrupted, and duty-free rest periods; (4) Employers failed to adequately inform and train Ms. Campbell and other Aggrieved Employees about their right to premium wages for non-compliant rest periods; (5) Employers failed to ensure that there was adequate staffing to allow Ms. Campbell and other Aggrieved Employees to take timely, uninterrupted, and duty-free rest periods; (6) Employers required Ms. Campbell and other Aggrieved Employees to remain on-call and respond to work-related requests at all times, including during rest periods, which included responding to telephone and in-person verbal interruptions; and (7) Employer's policy and culture prevented Ms. Campbell and other Aggrieved Employees from taking timely, uninterrupted, and duty-free rest periods because of the priority placed on completing job requirements over employees right to receive rest periods.

Ms. Campbell and Aggrieved Employees did not receive an extra hour of wages at their regular rate of pay for the rest periods which were not provided to them in compliance with California law.

Accordingly, Employers violated IWC Wage Order No. 4 and California Labor Code sections 226.7, and 1198.



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Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties pursuant to Labor Code section 2699; penalties pursuant to paragraph (20)(A) of IWC Wage Order No. 4; California Labor Code sections 558 and 1199 penalties; and attorneys' fees and costs.

4. FAILURE TO TIMELY PAY WAGES DURING EMPLOYMENT

As to each pay period, Employers has failed to timely pay all wages earned because Ms. Campbell and Aggrieved Employees were not paid all the wages they were owed including, *inter alia*, overtime compensation, straight time wages, minimum wages, and meal and rest period premiums. Accordingly, Employers violated California Labor Code section 204(a).

Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties pursuant to Labor Code section 2699; penalties pursuant to California Labor Code sections 210 and 1199; and attorneys' fees and costs.

5. FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS

As a result of the practices described above, the wage statements provided to Ms. Campbell and Aggrieved Employees failed to include the actual hours worked, the actual gross wages earned, and the correct rates of pay. Accordingly, Employers violated California Labor Code section 226(a).

Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties; penalties pursuant to California Labor Code section 226.3; and attorneys' fees and costs.

6. FAILURE TO MAINTAIN ACCURATE RECORDS

Employers has failed to maintain accurate records relating to Ms. Campbell and Aggrieved Employees' work periods, meal periods, total daily hours worked, and total hours worked per payroll period. Accordingly, Employers violated IWC Wage Order No. 4 and California Labor Code sections 1198.5 and 1174(d).

Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties pursuant to Labor Code section 2699; penalties pursuant to paragraph (20)(A) of IWC Wage Order No. 4; California Labor Code section 1174.5 penalties; and attorneys' fees and costs.

7. FAILURE TO REIMBURSE NECESSARY EXPENDITURES

California Labor Code sections 2800 and 2802 require an employers to reimburse its employees for all necessary expenditures incurred by the employee in direct consequence of the discharge of his or her job duties or in direct consequence of his or her obedience to the directions of the employer. IWC Wage Order No. 4 requires employers to provide employees with the tools or equipment necessary for the performance of their job. During the relevant time period, Ms. Campbell and Aggrieved Employees



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incurred necessary business-related expenses and costs that were not fully reimbursed by Employer. These costs include, but are not limited to, personal cell phone use for work time record keeping and communications.

Accordingly, Employers violated IWC Order No. 4 and California Labor Code sections 2800 and 2802.

Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties pursuant to Labor Code section 2699; penalties pursuant to paragraph (20)(A) of IWC Wage Order No. 4; and attorneys' fees and costs.

8. FAILURE TO TIMELY PAY ALL WAGES UPON TERMINATION OF EMPLOYMENT

Upon the termination of employment, Ms. Campbell and Aggrieved Employees were not paid all wages due to them within twenty-four (24) hours or even within seventy-two (72) hours for those who resigned. Specifically, as a result of Employer's practices of requiring Ms. Campbell and Aggrieved Employees to work off-the-clock without compensation, failing to pay proper overtime compensation, failure to properly calculate regular rates, and failure to accurately record all hours actually worked, Employers failed to pay Ms. Campbell and Aggrieved Employees for all straight time wage, minimum wages and overtime compensation owed to them upon termination of their employment. Employers also failed to pay Ms. Campbell and Aggrieved Employees for meal period premiums, and rest period premiums they were owed, amongst other wages. Accordingly, Employers violated California Labor Code sections 201 and 202.

Ms. Campbell and Aggrieved Employees will therefore seek PAGA default penalties pursuant to Labor Code section 2699; penalties pursuant to California Labor Code sections 203, 1199, and 2699(f)(2); and attorneys' fees and costs.

Therefore, on behalf of herself, the State of California and all Aggrieved Employees, Ms. Campbell may seek all applicable penalties related to these violations of the California Labor Code pursuant to PAGA. If you have any questions or require additional information, please do not hesitate to contact us. Thank you for your attention to this matter.

Very Truly Yours,

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Notice provided to Employers via Certified Mail (9414 7111 0549 5821 8800 08)

Tesco Controls, LLC

Attn: Amanda Garica- CT Corporation System – Registered Agent for Service of Process
330 North Brand Blvd.
Glendale, CA 91203

Notice provided to Employers via Certified Mail (9414 7111 0549 5821 8090 30)

UNITED FLOW TECHNOLOGIES HOLDCO, LLC,

Attn: Amanda Garica- CT Corporation System – Registered Agent for Service of Process
330 North Brand Blvd.
Glendale, CA 91203

Notice provided to Employers via Certified Mail (9414 7111 0549 5821 8043 01)

H.I.G. CAPITAL MANAGEMENT, LLC

Attn: Amanda Garica- CT Corporation System – Registered Agent for Service of Process
330 North Brand Blvd.
Glendale, CA 91203