

FITZPATRICK & SWANSTON

B. JAMES FITZPATRICK
CHARLES SWANSTON
ALISON L. BAKER
LAURA L. FRANKLIN

ATTORNEYS AT LAW
555 South Main Street
Salinas, California 93901
Telephone: 831.755.1311
Facsimile: 831.755.1319

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Via Online Filing

Labor & Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Suite 801
Oakland, CA 94612

Via Certified Mail

RAMCO Enterprises, L.P.
c/o Agent for Service of Process
Carlos S. Ramirez
320 Airport Blvd.
Salinas, CA 93905

Re: Amended Notice of Labor Law Violations
California Labor Code §§ 2699, 2699.3, 2699.5
Aggrieved Employee: Nabor Sanchez
Our File No.: S0065-600

To Representatives of the Labor and Workforce Development Agency and RAMCO Enterprises, L.P.:

Pursuant to California Labor Code §§ 2699, 2699.3, and 2699.5, aggrieved employee Nabor Sanchez, on behalf of himself and as representative on behalf of all current and former aggrieved employees (hereinafter shall be collectively referred to as “the employees”) of RAMCO Enterprises, L.P. (hereinafter shall be referred to as “the employer or RAMCO”), hereby amends his December 30, 2022 Administrative Notice and notifies you of additional labor law violations and facts and circumstances giving rise to them, committed by RAMCO.

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

Nabor Sanchez worked for RAMCO for approximately 20 years, beginning in or around 2001, as a Packer at the Taylor Farms packaging facility in Gonzales, California.

RAMCO maintained and enforced a uniform policy by which they regularly and consistently required the employees to call or text to ascertain their work schedule and undergo temperature checks related to COVID-19 during the workday and refused to pay wages to the employees for such time. The employees were required to report to work by calling or texting the employer to ascertain when and if, they were to show up to work physically. The employees were required to use their own personal cell phone for this purpose without reimbursement and were not paid for the time associated with making the mandatory work call or text, the time they were required to keep available to physically show up for work, and reporting time pay on days the employees were required to call or text but not report to work. Also, Mr. Sanchez and the other employees were required to form and wait in a line at the beginning of their workday in

order to undergo temperature checks before being allowed entry into the facility. The process of waiting in line and undergoing said temperature checks took, on average, approximately five to ten minutes each workday. The employer's policy requires the employees to undergo such temperature screenings without compensation, regardless of how long the screening process takes.

As a result of the employer's illegal call-in policies and procedures and COVID-19 temperature check policy, the employer 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). Consequently, the employees were forced to work without being paid at least minimum wage as required by California Labor Code §§ 1197 and 1199 and the applicable Industrial Welfare Commission Wage Order.

Because of the employer's failure to properly record and pay hourly wages for all hours worked by the employees in connection with the mandated call-in procedure and temperature screenings, 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 failed to reimburse the employees for work-related expenses as required by Labor Code § 2802. As an example, the employees were regularly required to use their personal cell phone to call or text the employer to ascertain their work schedule without any form of reimbursement.

Moreover, the employer failed to issue complete and accurate wage statements to the employees that included the employees' total hours worked, overtime hours worked, gross wages earned, net wages earned, all applicable rates of pay and the corresponding number of hours worked under each rate, all deductions, 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, 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 minimum and overtime 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, 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; and
6. 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, 202, 203, 204, 226, 510, 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


B. James Fitzpatrick

BJF/jf