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August 20, 2025

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

Sent via U.S. Mail & E-Mail

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**Re: Written Notice Pursuant to Labor Code, sections 2698, et seq. – MYA
KINERMAN and ALEX MORALES v. TRANSDEV ALTERNATIVE SERVICES,
INC. et al., dba “TRANSDEV”**

To whom it may concern:

Pursuant to California Labor Code, section 2698, et seq., Claimants Mya Kinerman and Alex Morales submit this written notice of Labor Code and Industrial Welfare Commission Wage Order violations by Defendants TRANSDEV ALTERNATIVE SERVICES, INC., doing business as “Transdev” in and around San Francisco, California.

Transdev is a transportation service headquartered in San Francisco, California, and operating throughout the Bay Area and Southern California. Claimant Mya Kinerman was employed as a Bus Driver for Transdev from approximately January 2021 to October 2024 in the Bay Area. Claimant Alex Morales was employed as a Paratransit Bus Driver for Transdev from approximately February 2024 to September 2024 in Orange County, California.

Pursuant to Labor Code, section 2698, et seq., Claimants seek to represent themselves and other aggrieved employees for PAGA penalties against Transdev as set forth below. For purposes of this notice, Claimants alleges “aggrieved employees” include themselves and all other individuals who worked as drivers for Transdev.

AUTHORITY FOR WRITTEN NOTICE OF CLAIMS

Labor Code, section 2699.3, subdivision (a) requires employees seeking to file a claim under PAGA to provide written notice to the Labor and Workforce Development Agency and the employer of the alleged labor violations.

- (a) A civil action by an aggrieved employee pursuant to subdivision (a) or (f) of section 2699 alleging a violation of any provision listed in section 2699.5 shall commence only after the aggrieved employee or representative has given written notice by certified mail to the labor and workforce development agency and the employer of the specific provisions of this code alleged to have been violated, including the facts and theories to support the alleged violation.

LEGAL CLAIMS APPLICABLE TO LABOR CODE, § 2699.3 - WRITTEN NOTICE REQUIREMENT

Claimants allege Transdev violated the following California Labor Codes:

- Labor Code, sections 201-203—Failure to Pay Minimum Wage for All Hours Worked
- Labor Code, section 1194—Failure to Pay Overtime Wages
- Labor Code, sections 226.7, 512—Failure to Provide Meal Periods
- Labor Code, section 226.7—Failure to Provide Rest Breaks
- Labor Code, section 2802—Failure to Reimburse Reasonable Business Expenses
- Labor Code, section 1174—Failure to Keep Accurate Records
- Labor Code, section 226(a)—Knowing and Intentional Failure to Provide Accurate, Itemized Wage Statements
- Labor Code, sections 201-203—Failure to Pay All Wages Owed at Termination
- Labor Code, section 558—Statutory Penalties for PAGA Violations

LEGAL AND FACTUAL BASIS TO SUPPORT CLAIMS

A. Labor Code §§ 201-203 — Failure to Pay Minimum Wage for All Hours Worked

Claimants allege Transdev failed to pay its employees for all hours worked because drivers were not clocked-in during all times they were suffered or permitted to work. Claimants allege that Transdev systematic reduced drivers pay by rounding-up their start times and rounding-down their shift end times. Subsequently, drivers did not receive any wages for the work time that Transdev failed to accurately record.

B. Labor Code § 1194 Violations — Failure to Pay Overtime

Claimants allege they sometimes worked over eight (8) hours per day with some of these hours worked off-the-clock in violation of California labor laws. Labor Code sections 510 and 1194 require employers to pay employees minimum wage and overtime wages for hours worked over eight (8) per day and/or over 40 per week.

C. Labor Code §§ 226.7, 512 — Failure to Provide Meal and Rest Breaks

Claimants and other aggrieved employees were not provided an opportunity to take meal periods and rest breaks.

Claimants allege that Transdev was aware that their drivers' heavy workloads frequently prevented them from being able to take a 30-minute meal period within the first five hours of any shift greater than six hours.

Claimants allege Transdev instituted policies and practices that did not comply with Labor Code section 512, 226.7, and California's Industrial Welfare Commission Wage Order 5-2001 ("Public Housekeeping Industry"). Labor Code section 512 and Wage Order 5-2001 requires employers to provide employees with 30-minute meal periods in which the employee is free of all work duties. If an employer implements procedures and practices that prevent the employee from a meaningful choice for a meal period, then the employer must pay one hour of pay to the employee for each day in which the meal period is not provide. See Wage Order 5-2001(11); see also *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, 1040 ("On the other hand, an employer may not undermine a formal policy of providing meal breaks by pressuring employees to perform their duties in ways that omits breaks."); see also, *Jamiez v. Daiohs USA, Inc.* (2010) 181 Cal.App.4th 1286, 1304-1305 (violations can be proved by showing a common scheduling policy that made taking breaks difficult.)

Claimants allege Transdev failed to accurately record when they were not able to take a meal period. Claimants did not know that they would be entitled to an hour's pay if their workload prevented them from taking a meal period. Transdev apparently did not have any policy of practice to follow through if there was a meal period violation. Claimants were never paid one hour of pay for each day in which they were denied a meal period. Claimants suffered injury by being required to work through their meal periods without being appropriately compensated.

Claimants allege Transdev instituted policies and practices that did not comply with Labor Code section 226.7 and Industrial Welfare Commission Wage Order 5-2001(12) regarding rest breaks. Labor Code section 226.7 requires employers to provide employees with rest breaks consistent with the IWC Wage Orders. Wage Order 5-2001 requires employers to authorize and permit employees to take a rest breaks of 10 minutes per every four (4) hours worked. For each day in which an employer fails to authorize or permit a rest break, the employer owes the employee one hour of pay.

D. Labor Code §§ 201-203 — Failure to Pay All Wages Owed at Termination

Labor Code sections 201-203 require employers to pay all outstanding wages owed to employees at termination. If the employee resigns, the employer has approximately 72 hours to make a final payment; if the employee is terminated, payment is due immediately.

E. Labor Code § 226(a) — Failure to Provide Itemized Wage Statements

Liability on the itemized wage statement claim derives from Transdev's failure to provide properly itemized wage statements. Specifically, under Labor Code section 226(a), an employer must provide nine items: (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.

Transdev failed to record actual hours worked. Due to these systemic violations of Claimant's legal rights to accurate and itemized wage statements, Defendant is liable under Labor Code sections 1199, 226 and 226.3. There is no reason to believe the same violations did not occur with respect to other Transdev drivers.

Likewise, other similarly aggrieved employees did not receive compliant wage statements and Defendant failed to maintain complete and accurate payroll records.

F. Labor Code § 1174 — Failure to Keep Accurate Records

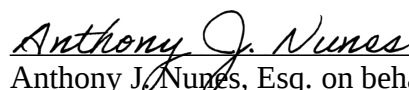
Claimants allege Transdev failed to keep track of the hours its drivers worked. Labor Code section 1174 requires employers to keep "payroll records showing the hours worked daily by and the wages paid to" employees. An employer may be liable under section 1174 where it fails to record when the employees reported to work, the times they actually begin and end work, their total hours of work, or meal and rest periods. See *Carrillo v. Schneider Logistics, Inc.*, (2011) 823 F. Supp.2d 1040, 1044.

CONCLUSION

Pursuant to Labor Code section 2699, subdivision (a), if the Labor and Workforce Development Agency does not respond to this Notice, Claimants will file for PAGA claims in Court on behalf of themselves, and the State of California.

Respectfully submitted,

NUNES LAW GROUP, APC


Anthony J. Nunes, Esq. on behalf of
PAGA Representatives Mya Kinerman and Alex
Morales

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I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is Nunes Workers Rights Law, APC, 15260 Ventura Blvd, Suite 1200, Sherman Oaks, CA 91403.

**CALIFORNIA LABOR CODE § 226 REQUEST FOR EMPLOYMENT
RECORDS FOR MYA KINERMAN; and**

**PRIVATE ATTORNEY GENERAL ACT (PAGA) NOTICE FOR
RESPONDENT TRANSDEV ALTERNATIVE SERVICES, INC. FILED ON
BEHALF OF MYA KINERMAN and ALEX MORALES.**

SEE ATTACHED SERVICE LIST

[] (U.S. MAIL) I am “readily familiar” with Nunes Worker Rights Law, APC’s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service and sent by certified mail on the same day with postage thereon fully prepaid.

[] (FEDERAL EXPRESS OVERNIGHT MAIL) I placed such envelope in an authorized Federal Express mail delivery package with overnight delivery fees paid for or provider for and deposited said package at an Federal Express depository regularly maintained by the delivery carrier.

1 I declare under penalty of perjury under the laws of the State of California that the above
2 is true and correct.

3 Executed on August 20, 2025, at Los Angeles, California.

4 ANTHONY NUNES

5 Print Name

6 *Anthony J. Nunes*

7 Signature

8 **SERVICE LIST**

9
10 Respondent Attorney(s):

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