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Employer Response Letter

<i>Via Certified Mail and Email</i> Seung L. Yang (seung.yang@thesentinelfirm.com) The Sentinel Firm 355 S. Grand Avenue, Suite 1450 Los Angeles, CA 90071	<i>Via Online Submission</i> Labor & Workforce Development Agency PAGAfilings@dir.ca.gov
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Re: **Employer Response to PAGA Notice – Labor Code § 2699.3**
LWDA #: **LWDA-CM-1130350-25 – Brittney Namoku v The Gathering Inn, Inc.**

Dear LWDA and Mr. Yang:

We acknowledge receipt of the PAGA notice dated October 7, 2025, alleging violations of the California Labor Code on behalf of Brittney Namoku and other aggrieved employees.

The Gathering Inn, Inc., a 501(c)(3) non-profit organization that provides housing and services to the homeless population (“TGI”), takes its obligations under the Labor Code seriously and denies the allegations contained in Ms. Namoku’s PAGA notice. Specifically:

1. Compliance with Labor Code:
 - a. *Alleged Failure to Pay Overtime.* TGI maintains policies and practices that comply with the provisions of the Labor Code identified in the notice. For example, at all relevant times through the present, including the brief time period of Plaintiff’s employment with TGI (October 2024 – December 2024), TGI had in effect an Employee Handbook, which clearly described TGI’s overtime policy. (See, Exhibit A, attached hereto.)

Furthermore, all working time clocked by employees was paid by TGI, and employees were instructed to record all of their time. (See, Exhibit A, “Time-Keeping Procedure” in Employee Handbook, attached hereto.)

During Plaintiff’s employment, TGI used Paychex for payroll purposes as well as an electronic timekeeping program, where employees recorded their own time. There was no reason for employees not to clock all hours worked, because TGI always paid them for all hours they recorded.

Employees were able to clock-in using company tablets that were available on-site. This process only took a few seconds. If for some reason an employee failed to record time electronically, they had the opportunity to report the time to their supervisor for manual correction.

Paychex properly calculated overtime pay at 1.5 times the regular rate of pay, based on the hours each employee recorded in their time records. Employees were paid overtime for all hours worked over 8 in a single workday, or over 40 hours in a workweek.

Plaintiff’s time records reflect the proper payment of overtime for all hours recorded by Plaintiff.

- b. Alleged Failure to Provide Meal & Rest Periods and Pay Premiums.* At all relevant times herein, TGI had a legally compliant meal and rest break policy in its Employee Handbook. (See, Exhibit A, attached hereto.) TGI specifically denies that employees were required to perform work duties while on a lunch or rest break.
- c. Alleged Failure to Maintain Accurate Records of Hours Worked and Meal Periods.* As noted above, TGI had an electronic timekeeping system where employees clocked their own time on the multiple company owned tablets that were available. TGI maintains those time records. In addition, as noted in TGI’s Employee Handbook, employees are instructed to clock in and out for their lunch breaks. Accordingly, meal periods were indeed properly recorded by employees.
- d. Alleged Failure to Reimburse Necessary Expenses.* TGI did not require employees to use their personal cell phones for work purposes, and they were not required to purchase uniforms or work supplies. TGI had a reimbursement policy for any employee expenditures; employees would request reimbursement and provide TGI with receipts, and TGI would reimburse the employee. TGI is unaware of any requested employee expenditures that were not reimbursed.

- e. Alleged Failure to Timely Pay All Wages at Termination.* TGI did pay employees for all earned wages and accrued vacation immediately at the time of termination, or within 72 hours of termination.
 - f. Alleged Failure to Furnish Accurate Wage Statements.* TGI employees all received legally compliant paystubs, showing all deductions, hours worked, rate of pay, and other required elements, prepared by Paychex, with each wage payment.
 - g. Alleged Failure to Pay All Earned Wages Twice a Month.* At all relevant times herein, employees were indeed paid twice a month. Paychecks were issued bi-weekly on Fridays. (See, TGI's Employee Handbook excerpt on "Paychecks," attached hereto as Exhibit A.)
2. Corrective Measures: Even though TGI denies liability, it has nevertheless reviewed its practices and has taken steps to ensure full compliance going forward. These include retaining a new payroll company called Paylocity as of December 23, 2024, which has the capability of flagging missed, late, or short meal periods and automatically generating a premium payment to employees.
3. Conclusion: Based on the foregoing, TGI believes the allegations in the PAGA notice are without merit. In addition, Ms. Namouku signed a valid and binding arbitration agreement of her claims, which contained a waiver of class and representative claims.

This response is provided to the LWDA and to you pursuant to Labor Code § 2699.3. TGI reserves all rights, defenses, and objections, including the right to supplement or amend this response if necessary.

Very Truly Yours,

ARABIAN-LEE LAW CORPORATION

Ellen Arabian-Lee

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EXHIBIT A

VIII. TIMEKEEPING AND PAYROLL PRACTICES

Work Hours/Schedule

The workweek is defined as Monday through Sunday. Due to the nature of our business, we may have different shifts. Precise work schedules for all employees may vary by department. The Supervisors of each department provide schedules to their employees. ***It is important to remember that regular attendance and punctuality are conditions of employment and essential for the professional operation of our business.*** Please follow the procedures outlined earlier in this handbook if you need to request time off from work and refer to Section VII for information regarding attendance standards.

Meals and Rest Periods

Rest Breaks

All nonexempt employees are entitled to uninterrupted rest break periods during their workday. If you are a nonexempt employee, you will be paid for all such break periods, and you will not clock out.

Number of Rest Breaks

You will be authorized and permitted one (1) 10-minute net rest break for every four (4) hours you work (or major fraction thereof, which is defined as any amount of time over two (2) hours). A rest break need not be authorized for employees whose total daily work time is less than three and one half (3.5) hours.

You will be relieved of all duty during your rest break periods. You are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any rest break.

If you work a shift from three and one-half (3.5) to six (6) hours in length you will be entitled to one (1) ten-minute rest break. If you work more than six (6) hours and up to 10 hours, you will be entitled to two (2) ten-minute rest breaks. If you work more than 10 hours and up to 14 hours, you will be entitled to three (3) ten-minute rest breaks.

Timing of Rest Breaks

You are authorized and permitted to take a rest break in the middle of each four-hour work period.

Meal Period

All non-exempt employees will be provided an uninterrupted unpaid meal period of at least 30 minutes if an employee works more than five (5) hours in a workday. Employees must clock out for their meal period. Employees will be permitted a reasonable opportunity to take their meal period and will be relieved of all duty. During the meal period, employees are free to leave the premises. Employees are expected to return to work at the end of any meal period.

If an employee's total work period for the day is more than five hours but no more than six hours, employees may waive the meal period. This cannot be done without the mutual consent of employee

and Supervisor. Employees must discuss any such waiver with your Supervisor in advance. The waiver must be in writing.

Timing of Meal Period

Your meal period will be provided no later than the end of your fifth hour of work. For example, if you begin work at 8:00 a.m., you must start your meal period by 12:59 p.m. (which is before the end of your fifth hour of work).

Second Meal Period

If you work more than 10 hours in a day, you will be provided a second, unpaid meal period of at least 30 minutes. Again, you must clock out for your meal period. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. There will be no control over your activities during your meal period. During your meal period, you are free to leave the premises and are free to come and go as you please. You are expected to return to work promptly at the end of any meal period.

Recording meal Period

You must clock out for any meal period and record the start and end of the meal period. Employees are not allowed to work "off the clock." All work time must be accurately reported on your time record.

If for any reason you are not provided a meal period in accordance with our policy, or if you are in any way discouraged or impeded from taking your meal period or from taking the full amount of time allotted to you, please immediately notify Human Resources.

Anytime you miss a meal period that was provided to you (or you work any portion of a provided meal period), you will be required to report to Human Resources and document the reason for the missed meal period or time worked.

Overtime

Occasionally employees may be asked to work overtime. Since working overtime is a condition of employment, it is mandatory unless expressly specified as optional by your Supervisor. Non-exempt employees or salary non-exempt employees who work overtime are paid time in accordance with the law. Holiday pay is not included in overtime calculations.

All overtime must be authorized in advance by the employee's Supervisor. The only exception to this is if the overtime is absolutely necessary due to "emergency" conditions. In these instances, the overtime worked must be reported to employees Supervisor immediately. The working of unauthorized overtime may result in discipline, up to and including termination.

Make Up Time

Non-exempt employees or salary non-exempt employees who wants to take time off for a personal obligation and make up the missed time may do so if 1) the employee gives their Supervisor a written request, 2) the request is approved, 3) the time is made up within the same workweek, and 4) the makeup

time does not result in the employee working over 11 hours in a workday or 40 hours in a workweek. The working of unauthorized overtime may result in discipline, up to and including termination.

Time-Keeping Procedure

Employees will use timesheets to keep track of their time worked as instructed by their Supervisor. It is essential that these records be completed accurately for payroll, governmental compliance, accounting, and internal control purposes. Employees are responsible for maintaining their timesheet at all times. TGI uses an electronic timekeeping system provided by our payroll vendor. Human Resources provides each employee with a login and password into the system as well as training on how to log time correctly. If an employee has any questions regarding the timekeeping system, they must reach out to either their Supervisor or Human Resources.

All nonexempt employees are required to use timesheets to record time worked for payroll purposes. All time worked must be accurately reported on the time record.

Employees must record your own time at the start and at the end of each work shift. Employees must clock out for your meal period and record the start and end of the meal period. Employees must approve timesheet hours by the end of the pay period.

Employees are not allowed to work "off the clock." Working off the clock violates organization policy. Any work performed before or after a regularly scheduled shift must be approved in advance by the employee's Supervisor or reported to the employee's Supervisor in the event of an emergency in accordance with the Overtime policy.

Employees also must record their time whenever they leave their primary work location and transfer to another location or clock out if they leave their work location for time off. Each employee is required to certify that their time record is accurate before they are sent to Payroll for processing.

Completing another employee's timecard, allowing another employee to complete your timecard, or altering a timecard is not permissible and is subject to disciplinary action.

Any errors on your timecard should be reported immediately to your Supervisor.

Paychecks

Paychecks are issued bi-weekly on Fridays and will be distributed by the end of the day. Federal and State laws require that certain deductions be taken from gross pay. These various deductions are itemized on paycheck stubs for the period in which pay is earned. A percentage of pay is deducted under the requirement of Federal Social Security Law. TGI pays an amount equal to that which the employees pay, and the total is credited to each employees Social Security account.

In the unlikely event that there is an error in the amount of a paycheck, the employee should promptly report it to their Supervisor or Human Resources so that corrections can be made as soon as possible.