WorkRight Law, APC

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VIA PAGA ONLINE FILING ONLY

California Labor and Workforce Development Agency
Attn: PAGA Administrator
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
https://dir.tfaforms.net/308

Re: Talecia Peterson v. McGee Air Services, Inc.

Notice of Private Attorneys General Act Claim

Dear PAGA Administrator:

This office has been retained by aggrieved employee Talecia Peterson ("Plaintiff") concerning a representative action pursuant to the Private Attorneys General Act of 2004, California Labor Code §§ 2698, *et seq*. ("PAGA") against McGee Air Services, Inc. (including any and all affiliates, subsidiaries, parents, directors, officers, managing agents, and executive employees) (collectively referred to as "Defendants") for violations of California wage and hour laws. Plaintiff seeks civil penalties for violations of the Labor Code and all other remedies available under PAGA.

Defendants own and operate an airport ground handling services company providing baggage handling and ramp services. Defendants operate throughout San Francisco County, including at San Francisco International Airport. Defendants employed Plaintiff as an hourly-paid, non-exempt employee from approximately from approximately November 19, 2024 through May 27, 2025.

Based on the following facts and theories, Defendants violated and/or continue to violate, among other provisions of the Labor Code and applicable wage law, California Labor Code §§ 204, 210, 226, 226.3, 510, 558, 558.1, 1174, 1174.5, 1194, 1194.2, 1197, and 1199, and IWC Wage Orders.

Labor Code § 1194 authorizes an employee paid less than the legal minimum wage or overtime to recover the unpaid balance, interest, and reasonable attorneys' fees and costs, and § 1194.2 entitles an employee who proves a minimum-wage underpayment to liquidated damages equal to the unpaid minimum wages plus interest. The applicable Wage Order defines "hours worked" as "the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so." See §2 of all applicable Wage Orders. Therefore, employers are required to pay employees for all time spent subject to the control of the employer and all time the employee is suffered or permitted to work. During the relevant time period, Defendants failed to pay Plaintiff for all hours worked, including hours worked in excess of eight hours per day and forty hours per week.

Labor Code § 1197 prohibits an employer from paying any employee a wage less than the minimum fixed by the IWC. Labor Code § 1197.1 provides for civil penalties for violations of minimum wage requirements.

During the relevant time period, Defendants failed to pay Plaintiff minimum wage for all hours worked. Specifically, Defendants required Plaintiff and other aggrieved employees to complete mandatory onboarding activities that were scheduled and controlled by Defendants. Defendants did not pay Plaintiff for the majority of this time. Additionally, Defendants required Plaintiff and other aggrieved employees to complete multiple onboarding documents off-the-clock. Defendants maintained a systemic policy and practice of not compensating employees for the time spent reviewing and executing these documents.

Labor Code § 510 provides that eight hours of labor constitutes a day's work. Any work in excess of eight hours in one workday and any work in excess of 40 hours in any one workweek and the first eight hours worked on the seventh day of work in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee. During the relevant time period, Defendants failed to pay overtime wages for all hours worked in excess of eight hours per day. Specifically, Defendants' practice was to schedule Plaintiff and other aggrieved employees to work multiple shifts in a single day. On numerous occasions, these multiple shifts caused Plaintiff and other aggrieved employees to exceed 8 hours of work in a single workday, but Defendants failed to compensate them at the overtime rate for hours worked in excess of 8 hours per day.

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Labor Code §§ 201 and 202 provide that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately, and if an employee quits his or her employment, his or her wages shall become due and payable not later than seventy-two (72) hours thereafter, unless the employee has given seventy-two (72) hours' notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting.

Labor Code § 204 requires that all wages earned by any person in any employment between the 1st and the 15th days, inclusive, of any calendar month, other than those wages due upon termination of an employee, are due and payable between the 16th and the 26th day of the month during which the labor was performed, and that all wages earned by any person in any employment between the 16th and the last day, inclusive, of any calendar month, other than those wages due upon termination of an employee, are due and payable between the 1st and the 10th day of the following month. Labor Code § 204 also requires that all wages earned for labor in excess of the normal work period shall be paid no later than the payday for the next regular payroll period.

During the relevant time period, Defendants failed to pay Plaintiff and other aggrieved employees all wages due to them within any time period specified by Labor Code §§ 201, 202 and 204, including failing to timely pay wages for mandatory onboarding activities, failing to pay overtime wages by the applicable payday, and systematically delaying wage payments beyond statutory deadlines. Furthermore, when Plaintiff's employment was terminated, Defendants failed to pay all wages owed at the time of termination, including unpaid overtime wages and unpaid minimum wages for off-the-clock work.

Labor Code § 226 requires employers to make, keep and provide complete and accurate itemized wage statements to their employees. During the relevant time period, Defendants failed to accurately reflect total hours worked, including omitting hours worked during mandatory onboarding activities. Defendants' wage statements failed to include all hours worked on Plaintiff's paystub and omitted premium payments. The wage statements the aggrieved employees received from Defendants were in violation of Labor Code § 226(a). These omissions prevented Plaintiff and other aggrieved employees from learning of Defendant's unlawful pay practices.

Defendants failed to keep accurate time and wage records as required by Labor Code § 1174, including failing to maintain records of the correct overtime wages and failing to accurately record the start date of Plaintiff's employment, thereby omitting compensable work time from payroll records; maintaining time records that did not reflect actual hours worked during onboarding activities; and failing to maintain accurate records of hours worked in excess of eight hours per day.

Labor Code § 1198.5 requires that every current and former employee, or their representative, has the right to inspect and receive a copy of personnel records. The employer must comply with the request within 30 calendar days from the date the employer receives the request. Labor Code § 432 requires employers to permit current employees to inspect their personnel files at reasonable times.

During the relevant time period, Defendants failed to timely provide personnel records to Plaintiff and other aggrieved employees upon request. Specifically, on May 25, 2025, Plaintiff timely requested that Defendants produce her personnel files and wage records pursuant to California Labor Code sections 1198.5 and 226(b). However, Defendants did not produce certain responsive documents until September 5, 2025, which is beyond the required 30-day statutory deadline.

California Code of Regulations, Title 8, § 11040(7)(A)(3) requires employers to maintain accurate records which includes time records showing when the employee begins and ends each work period. Meal periods, split shift intervals, and total daily hours worked shall also be recorded. Employers must maintain these records for a period of at least three years and make them available for inspection by the Division of Labor Standards Enforcement upon request. Furthermore, Labor Code § 2699.3(c) permits Plaintiff and other aggrieved employees to bring a PAGA action for violations of the Wage Orders.

During the relevant time period, Defendants failed to maintain accurate time records as required by California Code of Regulations, Title 8, § 11040(7)(A)(3). Specifically, Defendants failed to record all hours worked by Plaintiff and other aggrieved employees during mandatory onboarding activities; Defendants misclassified Plaintiff's employment start date as January 6, 2025, when compensable work began in November 2024; Defendants maintained time records that did not reflect actual hours worked; and Defendants failed to accurately track hours worked in excess of eight hours per day when scheduling employees for multiple shifts. As a result, Plaintiff and other aggrieved employees were deprived of accurate records documenting their hours worked, thereby facilitating Defendants' wage and hour violations.

Therefore, on behalf of all aggrieved employees, Plaintiff seeks all applicable penalties arising out of the above-referenced wage, hour, and payroll practices, or which could be assessed and collected by the LWDA, for violation of the Labor Code pursuant to PAGA. Labor Code § 2699.3 requires that a claimant send a certified letter (i.e. this letter) to the employer in question and file an online claim to the LWDA setting forth the claims and the basis for the claims, thereby giving the LWDA and employer an opportunity to investigate the claims and/or take any action they deem appropriate. If the LWDA and Defendants elect not to take any action with respect to any of the foregoing claims, Plaintiff will seek these penalties in a civil action on behalf of all aggrieved employees within one year of the date of this letter as allowed by law.

If you have any questions, please contact me at the phone number or address above.

Very truly yours,

Ash Bhargava

Attorney for Plaintiff