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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TUOLUMNE**

VERONICA AGUAYO, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

HEALTHCARE STAFFING
PROFESSIONALS, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: CV65621

**DECLARATION OF VERONICA AGUAYO IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE SETTLEMENT AGREEMENT
PURSUANT TO THE PRIVATE ATTORNEYS
GENERAL ACT**

Date: August 9, 2024
Time: 8:30 a.m.
Dept: 1

Complaint Filed: October 4, 2023
Trial Date: None

DECLARATION OF VERONICA AGUAYO

I, Veronica Aguayo, declare as follows:

1. I am an individual over the age of 18. I am the named Plaintiff in the above-referenced action. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Healthcare Staffing Professionals, Inc. ("Defendant" or "HSP") as a licensed vocational nurse during the approximate period of December 2022 to on or about July 10, 2023. For the duration of my employment, I was assigned to work at the Sierra Conservation Center (the "Prison"), which is a correctional facility located in Tuolumne, California.

3. During my employment with HSP, I was required to submit to a multi-point security inspection both at the start and end of my shift. At the first check point, employees provide a photo identification and permit the inspection of their personal belongings. From there, employees walk to a second checkpoint and request keys to the Prison's medical unit. After obtaining keys, employees must locate a guard who can provide access to the yard. Based on my personal observation, employees experience significant wait times at each step of the security process. Similarly, after clocking out at the end of their shift, employees must again pass through the same security system when leaving the facility. Employees return their keys to the guard at the key checkpoint, walk to the primary check point and provide identification to the guard. Before leaving the grounds of the Prison, a guard conducts a vehicle inspection, which entails a full search of the vehicle and trunk. The post shift security inspection also entails significant wait times. On average, I estimate that I spent between twenty to thirty minutes submitting to the security inspections per shift, including the associated wait time. I did not receive the payment of wages for these off-the-clock security inspections.

4. I earned overtime and non-discretionary incentive pay, such as Per Diems, during my employment with HSP. During workweeks when I worked overtime and earned Per Diems, HSP failed to incorporate the nondiscretionary incentives into the calculation of the regular rate of pay. Consequently, I believe that I was underpaid overtime by HSP.

5. I frequently was required to work through my entire shift without being allowed to

1 take any off-duty meal and rest breaks. The staffing model in the medical facility does not allow for
2 employees to take uninterrupted breaks. Additionally, given the amount of time that the security
3 inspections take to complete, I could not leave the facility and return to my station within 30
4 minutes. Consequently, I was directed by supervisors to remain on the Prison grounds during my
5 meal periods. I did not receive the payment of meal/rest break premiums, as required by Labor
6 Code section 226.7.

7 6. I filed this lawsuit because I was concerned that I was not being paid properly for all
8 the hours that I worked. By bringing a representative action lawsuit, I hoped that I might be able to
9 change HSP's policies to better protect the working conditions of my co-workers.

10 7. However, I did not make the decision to file a class action lightly. I was concerned
11 by the attention that a lawsuit would attract in the workplace and the reputational harm that may
12 result, including the perception that I am difficult to work with. I was also mindful that filing a
13 lawsuit could jeopardize my employment status. Although the lawsuit is justified, my current or
14 prospective employer might find out that I sued HSP, and there is a risk of facing retaliation and
15 strained relationships with colleagues and supervisors. Nevertheless, I felt that important rights
16 were at stake that hurt everyone, and something ought to be done about it.

17 8. I respectfully request that the Court award a \$7,500 Enhancement Payment. I have
18 done my best to represent the interests of the employees that are part of this settlement. I have
19 actively contributed to this case. This includes: (1) participating in numerous telephonic meetings
20 with my attorneys and their staff; (2) reviewing and signing the PAGA Notice; (3) reviewing the
21 Complaint; (4) providing my attorneys with information and documents; (5) making myself
22 available for mediation; and (6) reviewing and executing the settlement agreement. Additionally, as
23 part of the settlement I agreed to release all known and unknown claims that I may have against
24 Defendant.

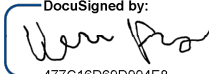
25 9. I am proud of the result and accomplishment of this lawsuit. I feel that it is a positive
26 accomplishment and understand that other people will benefit because of the actions that I have
27 taken.

28 10. I do not believe I have any interests that are adverse to the other employees that are

1 part of the PAGA settlement.

2 I declare under penalty of perjury that the foregoing is true and correct.

3 Executed on 6/28/24, 2024, at Merced, California.

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