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4550 EAST THOUSAND OAKS BOULEVARD, SUITE 100
WESTLAKE VILLAGE, CALIFORNIA 91362

PHONE (818) 703-8985
FAX (818) 703-8984

August 30, 2023

Via Certified Mail

Labor & Workforce Development Agency
By electronic submission

Ross Dress For Less, Inc.
5130 Hacienda Drive
Dublin, CA 94568

Defendant mailed certified #9589071052700506654926

Agent for Service of Process for Ross Dress For Less, Inc.
Amanda Garcia
330 N Brand Blvd
Glendale, CA 91203

Agent mailed certified #9589071052700506654919

Re: ***Labor Code Violations of Ross Dress For Less, Inc. – Compliance Letter of California Labor Code § 2698, the Private Attorneys General Act of 2004***

Dear LWDA:

This office represents Rosa Sanchez, a former non-exempt California employee of Ross Dress For Less, Inc. ("Defendant"). We write this letter in compliance with the Private Attorneys General Act of 2004, pursuant to California Labor Code § 2698 *et seq.*

Our client was employed by Defendant in Southern California. Herein we set forth the facts and theories of California Labor Code violations which we allege Defendant engaged in with respect to our client and other of its California employees ("Aggrieved Employees").

Our client alleges that Defendant failed to pay correct premium wages to her and other non-exempt Aggrieved Employees who were denied rest periods, in violation of Labor Code § 226.7 and IWC Wage Order No. 4-2001. Our client and other non-exempt Aggrieved Employees were routinely unable to take a 10-minute rest period for every four (4) hours of work or major fraction thereof, but were not paid premium wages of one hour's pay for each missed rest period. Our client and other non-exempt Aggrieved Employees were frequently too busy to take a rest period. When they were able to take a rest period, they were oftentimes late, cut short, or on duty. This violates Labor Code § 226.7 and IWC Wage Order No. 4-2001.

Defendant failed to pay correct premium wages to our client and other non-exempt Aggrieved Employees who were denied proper meal periods, in violation of Labor Code §§ 226.7, 512, and 558 and IWC Wage Order 4-2001. Our client and other non-exempt Aggrieved Employees were routinely denied, and not authorized to take, a proper, timely, uninterrupted, 30-minute meal period for every shift worked that exceeded five hours, or a second proper, timely, uninterrupted, 30-minute meal period for every shift worked that exceeded ten hours, but were not paid premium

Labor & Workforce Development Agency
Ross Dress For Less, Inc.
Amanda Garcia
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Page 2

wages of one hour's pay for each missed first or second meal period. When they were able to take a meal period, they were oftentimes late or on-duty. This violates Labor Code §§ 226.7, 512, and 558 and IWC Wage Order 4-2001.

Our client further alleges that Defendant failed to provide her and all other non-exempt Aggrieved Employees with wage statements that fully and accurately itemized the requirements set forth in Labor Code § 226(a). Our client and other non-exempt Aggrieved Employees were not paid all wages due, as stated above. As such, the wage statements provided by Defendant fail to accurately state all gross wages earned, in violation of Labor Code §§ 226(a)(1) and 226.3, total hours worked, in violation of Labor Code §§ 226(a)(2) and 226.3, net wages earned, in violation of Labor Code §§ 226(a)(5) and 226.3, and all applicable hourly rates in effect during the pay period and the corresponding numbers of hours worked at each rate, in violation of Labor Code §§ 226(a)(9) and 226.3.

Our client further alleges that Defendant failed to timely pay her and Aggrieved Employees all wages due, including all accrued, but unused vacation wages, at the separation of their employment based on the time frames required by Labor Code §§ 201-202 and 227.3. As stated above, our client and other Aggrieved Employees were not paid all wages due during the course of their employment and, as a result of this failure, they were not timely paid all wages due at the separation of their employment. Defendant failed to timely pay all accrued but unused vacation/PTO wages to our client upon separation of employment—she was terminated on June 27, 2023 and finally received her vacation/PTO wages several weeks later. Our client alleges that Defendant maintains a policy and practice to pay vacation wages well after its employees separate their employment, if at all. This violates Labor Code §§ 201-202 and 227.3 and is alleged on behalf of our client and certain Aggrieved Employees no longer employed by Defendant.

The \$75 PAGA filing fee has been submitted to the LWDA concurrently with the transmission of this letter.

We invite Defendant or its attorneys to contact our office to discuss this matter, including whether an early resolution of the claims can be reached.

Very truly yours,

GAINES & GAINES
A Professional Law Corporation

By : 
EVAN S. GAINES

- Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Ross Dress For Less, Inc.
5130 Hacienda Drive
Dublin, CA 94568

9590 9402 7193 1284 2637 50

2 Article Number (Transfer from carrier label)

9589 0710 5270 0506 6549 26

PS Form 3811, July 2020 PSN 7530-02-000-9053

A. Signature

☒ X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
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3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
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☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

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Total Postage and Fees \$

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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Ross Dress For Less, Inc.
5130 Hacienda Drive
Dublin, CA 94568



2 Article Number (Transfer from carrier label)

9589 0710 5270 0506 6549 26

PS Form 3811, July 2020 PSN 7530-02-000-9053

☒ Agent	
☐ Addressee	
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes ☐ No	
If YES, enter delivery address below: ☐ No	
3. Service Type	
☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	
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☐ Insured Mail Restricted Delivery	

Domestic Return Receipt

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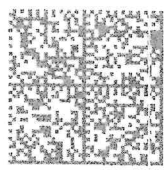
4550 EAST THOUSAND OAKS BOULEVARD

SUITE 100

WESTLAKE VILLAGE, CALIFORNIA 91362

Ross Dress For Less, Inc.
5130 Hacienda Drive
Dublin, CA 94568

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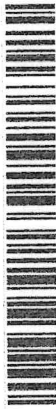
\$ 008.530

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1. Article Addressed to:

Agent for Service of Process for
Ross Dress For Less, Inc.
Amanda Garcia
330 N Brand Blvd
Glendale, CA 91203



9590 9402 7193 1284 2637 67

2. Article Number (Transfer from online label)

9589 0710 5270 0506 6549 19

PS Form 3811, July 2020 PSN 7530-02-000-9053

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☐ Addressee

B. Received by (Printed Name) **C. Date of Delivery**

D. Is delivery address different from item 1? ☐ Yes ☐ No
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Postage
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☐ Return Receipt (hardcopy) \$
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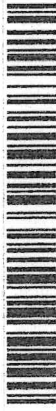
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9590 9402 7193 1284 2637 67

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If YES, enter delivery address below:

2)

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Domestic Return Receipt

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