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December 7, 2012

Via Certified Mail

Labor and Workforce Development Agency
801 K Street, Suite 2101
Sacramento, California 95814

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Labor & Workforce Development Agency

Re: Notice Violation of Labor Code Section 2699

Dear Sir or Madam,

I am an attorney representing Amy Owens regarding her potential claims against her employer, W Hotel/Starwood Hotels and Resorts Worldwide, Inc. This letter is submitted pursuant to Labor Code §2699.3 to provide notice that the employer violated the California Labor Code. Please direct all future contacts regarding this matter to my attention.

Ms. Owens works as a concierge for the W Hotel in San Francisco (located at 181 3rd Street), which I am informed is operated by Starwood Hotels and Resorts Worldwide, Inc. Ms. Owens and other concierges at the beginning of their employment with the Hotel were allowed to sit while doing their job, but recently the Hotel is mandating they stand throughout their shift while doing their job, apparently due to a remodeling of the Hotel. It appears that the Hotel's refusal to allow Ms. Owens (and similarly situated other employees at all W Hotel and Starwood locations in California) to sit during all or part of their shift violates law mandating that employers provide adequate seating for employees. See section 14, Industrial Welfare Commission Wage Order 5-2001; Cal. Labor Code §1198.

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Please let me promptly know if the LWDA intends on investigating and/or prosecuting this legal violation. You can of course contact me with any questions.

Very truly yours,



Douglas A. Kahn

DAK: eel
cc: Amy Owens
cc: Lisa M. van Krieken (Attorney for W Hotel/Starwood Hotels and Resorts Worldwide, Inc.)

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