BOYAMIAN LAW

May 19, 2026

SUBMITTED VIA ONLINE SUBMISSION

Labor and Workforce Development Agency
Attention: PAGA Administrator
455 Golden Gate Avenue, 9th Floor
San Francisco, California 94102

Re: *Juarez v. Pollo Campero of California, LLC, et al.*
Notice of PAGA Claims Pursuant to Labor Code § 2699.3

To Whom It May Concern:

My office represents Britney Juarez (hereinafter "Claimant"), with respect to claims on behalf of herself and other similarly situated current and former non-exempt, hourly employees of Pollo Campero of California, LLC and Pollo Campero Holding, LLC (hereinafter collectively referred to as "Pollo Campero" or "Respondent") who worked in California from one year prior to the submission of this Notice and continuing through the present ("Relevant Time Period"). The purpose of this letter is to satisfy the notice requirements of Labor Code § 2699.3(a).

Below we set forth the facts and theories which we believe support our contention that Respondent has violated and continues to violate various provisions of the California Labor Code including, but not limited to, failures by Pollo Campero of California, LLC and Pollo Campero Holding, LLC to pay minimum wages and overtime wages, to provide meal and rest periods, pay for all hours worked, and to reimburse for necessary business expenditures.

The purpose of this letter is to provide the required notice to the Labor Workforce and Development Agency and the Respondent of the specific facts and theories which we believe support our contention that Pollo Campero has also violated and continues to violate the California Labor Code, as set forth herein.

Facts & Theories About the Case

Pollo Campero of California, LLC and Pollo Campero Holding, LLC, own and operate a chain of fast-food restaurants throughout the United States and Puerto Rico. Respondent utilizes Supervisors to drive the flow of customers, checking temperatures of appliances, order supplies for the store, and handling monetary transactions.

Claimant was a non-exempt, hourly employee of Respondent. She commenced work for Respondent in or around September 21, 2021 to on or about July 31, 2025, as a supervisor. Claimant worked at Pollo Campero located in Los Angeles, California. Claimant's job duties included ordering food ingredients and supplies for the store, prepping the store for opening and closing, checking temperature of appliances and handling bank deposits and money counts. During the Relevant Time Period, Claimant and other non-exempt, hourly employees of Pollo Campero ("Aggrieved Employees") would record their time electronically.

Aggrieved Employees, including Claimant, are denied meal and rest breaks, itemized wage statements, overtime pay, and other protections to which they are entitled under the California Labor Code. Ms. Juarez, like other Aggrieved Employees, did not have uninterrupted meal periods as statutorily mandated and compliant meal and rest periods were not made available due to the press of work, deficiencies in the scheduling of staff, and the lack of any formalized process or procedure in place. Claimant was often interrupted during her meal and rest break to provide assistance to other staff members. Due to the press of work, Claimant's and Aggrieved Employees' meal breaks were often interrupted or skipped altogether.

Relatedly, our investigation has uncovered that Pollo Campero utilized a timekeeping system, which failed to compensate Ms. Juarez and other Aggrieved Employees for all hours worked and overtime. Respondent often required Ms. Juarez to work a double shift. Respondents also asked Ms. Juarez to come in early before her shift or stay later after her shift. On those days, Respondent instructed Ms. Juarez to only clock in at her scheduled time and not to record her actual hours. Claimant was also required to attend two-hour zoom meetings on Mondays. In addition, Ms. Juarez was required to attend video call meetings on days she was not scheduled to work and was not compensated for the time spent at those meetings.

On the days that Ms. Juarez recorded a double shift, Respondent's manager Jenny Santoya altered the timecard and split the double shift between two days to avoid paying Claimant overtime compensation. Ms. Juarez also would remove hours worked and make adjustments to Aggrieved Employees timecards. Respondent's management assured Ms. Juarez that the double shifts, overtime and off-the-clock work would be added to her timecard, however it was never added. Our investigation has revealed that Respondent engaged in an unlawful act of "shaving time" by altering the hours worked by Aggrieved Employees on timecards. On many occasions Respondent's management altered Aggrieved Employees' timekeeping records. When Ms. Juarez confronted Human Resources and the area manager, Catherine Ochoa, about these alterations to her timecard, she was told they would investigate it. However, the timecard alterations were never investigated and Respondent's managers continued to alter the Aggrieved Employees timecards. Said differently, managers would routinely make adjustments to timecards to manipulate and adjust the times recorded by Aggrieved Employees to avoid and minimize the practice of compensating Ms. Juarez and other similarly-situated Aggrieved Employees for all hours worked, overtime, and meal and rest period violations.

In addition, Ms. Juarez was required to use her personal cell phone for work purposes. Claimant was required to use multiple apps on her phone to perform her duties for Pollo Campero.

Accordingly, based on our investigation, we have found that Pollo Campero has:

(1) required and/or knowingly permitted Aggrieved Employees to work hours considerably in excess of eight hours per day, 12 hours per day, and/or 40 hours per week. Claimant is informed and believes, and on that basis alleges, that it has been Pollo Campero's policy and practice to require and/or knowingly and willfully permit Aggrieved Employees to work such overtime hours without paying them overtime compensation required by the California Labor Code and even when paying the overtime rates, Pollo Campero unlawfully calculates the total amount of overtime hours worked for purposes of compensation;

(2) failed to provide a 30 minute off-duty meal period to Aggrieved Employees who worked more than five hours in a day. Moreover, Pollo Campero has failed to provide a second 30 minute off-duty meal period to Aggrieved Employees who worked more than 10 hours in a day;

(3) failed to authorize and permit a rest period of ten minutes per every four hours, or major fraction thereof, worked. Pollo Campero has failed to pay minimum wage compensation to Aggrieved Employees for all hours worked;

(4) failed to reimburse necessary business expenses incurred by Aggrieved Employees in violation of Cal. Labor Code § 2802;

(5) failed to pay to the Aggrieved Employees all wages due and owing twice per month at the times prescribed by Cal. Labor Code § 204;

(6) failed to itemize the total hours worked on wage statements furnished to the Aggrieved Employees as required by Cal. Labor Code §§ 226, 226.3, and Wage Order 5;

(7) not properly maintained payroll records showing the actual hours Aggrieved Employees worked each day as required by Cal. Labor Code § 1174 and IWC wage order No. 5, § 7(A); and

(8) willfully and knowingly failed to pay Aggrieved Employees upon termination of employment, all accrued compensation, including reimbursement of all unlawful deductions from wages, payment of missed meal and rest period compensation, and payment of minimum wage and overtime compensation.

Claimant seeks to recover the unpaid compensation for all hours worked as defined by the Labor Code and the applicable Industrial Welfare Commission wage order. California law requires that all hours worked over 8 in a day or 40 in a week or worked on the 7th consecutive day of a work week be paid 1.5 times an employee's regular rate of pay. *See*, *e.g*., Lab. Code §§ 510, 1194; Cal. Code Regs., tit. 8, § 11040, *et seq*. In addition, hours worked over 12 in a day or hours over 8 worked on the 7th consecutive day in a week are paid at 2 times an employee's regular rate of pay.

California law also requires that an employer provide an employee who works more than five hours a meal break that is no less than 30 minutes in duration. 8 CCR 11040(11)(A). Unless an employee is relieved of all duty during the 30-minute meal period, the meal period is considered an on-duty meal period and counted as time worked. However, an on-duty meal period is permitted only when the nature of the work prevents an employee from being relieved of all duty and the parties agree in writing to an on-the-job paid meal period. *Id*. If an employer fails to provide an employee a lawful meal period, the employer must pay the employee one hour of pay for each violation. 8 CCR 11040(11)(D).

Additionally, California law mandates that an employer must "authorize and permit" an employee to take a duty-free rest period not less than 10 minutes in duration for every four hours of work. 8 CCR 11040(12)(A). Violation of the rest break provisions requires the employer pay the employee one hour of pay for each workday a rest period was not provided. 8 CCR 11040(12)(B). Lastly, in California, the employer is required to keep records of all hours worked. Labor Code § 1174(d).

The California Supreme Court in *Brinker Restaurant Corp. v. Superior Ct*., Cal. 4th 1004 (2012) mandated that "absent truly unusual circumstances" placing both rest breaks before the meal break, and none after, would not comport with the wage order requirement that rest breaks "insofar as practicable, shall be in the middle of each work period." *Id*. at 1032, citing DLSE Opn. Letter No. 2001.09.17 at p.4. In other words, "[a]s a general matter," one rest break should fall on either side of the meal break. *Id*. An employer violates the law by maintaining a policy that "fails to give full effect" to the timing, duration, and relief from duty requirements of the Wage Order. *Id*. at 1032-1033. Such a defective policy or practice, by itself, establishes a substantive violation of the law. At a minimum, "an employer must inform employees in a meaningful or consistent way that they could take rest breaks, [and] the definition of any such rest breaks." *Godfrey v. Oakland Port Services Corp*., 230 Cal.App.4th 1267, 1286 (2014). Thus, Pollo Campero does not provide meal and/or rest breaks in accordance with California law.

Furthermore, Labor Code section 2802(a) provides that an employer must reimburse employees for all necessary expenditures that the employee incurs in discharging his or her duties. *Cochran v. Schwan's Home Service, Inc*., 228 Cal. App. 4th 1137, 1144 (2014) is instructive and held that mandatory personal cell phone use must be reimbursed at a "reasonable percentage" of the cell phone bill). In *Cochran*, *supra*, 228 Cal. App. 4th at 1140, the Court of Appeal held that employers must reimburse employees when they use their personal cell phones for work-related calls. The court discussed that "reimbursement is always required," whether the phone bill is paid for by a third person, whether the employee changed phone plans, when the employee incurs a reasonable expense of the mandatory use of his or her personal cell phone, or when the employee incurs an extra expense that he or she would not have otherwise incurred absent the job. *Id*. at 1144. Thus, *Cochran* stands for the position that when an employee uses a tool for business purposes (even if the tool is one that can be used for personal reasons), the employer must reimburse the employee a reasonable business expense. The use of personal cell phones is necessary for Claimant and other Aggrieved Employees to fulfill their job duties. Therefore, because Aggrieved Employees, including Ms. Juarez, incurred necessary business expenses in the scope of their employment but were not reimbursed, Pollo Campero owes civil penalties under Labor Code section 2802(a).

The other alleged violations, including inaccurate wage statements and waiting time penalties, are largely derivative of the claims for failure to pay for all hours worked and failure to provide meal and rest periods. With respect to waiting time penalties, Pollo Campero failed to fully compensate former Aggrieved Employees in a timely manner when their employment ended, in violation of Labor Code Section 201 et. seq.

Accordingly, we believe that Pollo Campero has violated, and continues to violate, numerous provisions of California law, including, without limitation Labor Code Sections §§ 201, 202, 203, 204, 210, 216, 221, 225.5, 226, 226.3, 226.7, 226.8, 246, 450, 510, 511, 512, 551, 552, 558, 1194-1197.1, 1198, 2802, and 2698, *et seq*., as well as the relevant IWC orders and regulations, and that Claimant and other similarly situated Aggrieved Employees are entitled to all statutory penalties allowed by law. Our investigation is continuing, and there may be more violations uncovered.

We respectfully request that the Labor Workforce Development Agency notify this office within thirty (60) days if it wishes to investigate this matter further. If Pollo Campero, wishes to resolve these claims without resorting to protracted litigation, please contact the undersigned forthwith to discuss this matter further. Should you have any questions or concerns or require additional information, please do not hesitate to contact the undersigned.

Thank you for your immediate attention to this matter.

Very truly yours,

Christina Tajerian

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