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May 4, 2026

Via Online Filing
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Via Certified Mail
Sky Chefs, LLC
5040 Riverside Dr Building 1, Suite 200
Irving, TX 75039

Sky Chefs, LLC
645 W Field Rd
San Francisco, CA 94128

Subject: *Jason Wonacott v. Sky Chefs, LLC*

Dear Representative:

This office represents Jason Wonacott ("Plaintiff") in connection with Labor Code violation claims related to their employment with Sky Chefs, LLC ("Employer").

Plaintiff has personally suffered each of the Labor Code violations alleged in this letter while employed by Employer within the applicable one-year statute of limitations period. Plaintiff intends to seek PAGA penalties on behalf of himself and all other non-exempt employees of Employer employed in California and who were subjected to any or all of the Labor Code violations referenced herein during the PAGA Period (together with Plaintiff, "Aggrieved Employees"). The PAGA Period begins one year prior to the date of this letter and, because the violations are ongoing, the PAGA Period extends beyond the date of this letter.

This letter is sent pursuant to the requirements of Labor Code section 2699.3. The Labor Code violations are as follows:

Minimum Wage Violations

Labor Code sections 1194 and 1197 and the applicable Wage Order require an employer to pay an employee no less than the minimum wage for all hours worked.

Employer failed to pay the Aggrieved Employees the minimum wage for all hours worked because the Aggrieved Employees were required to perform work while off the clock. Specifically, Plaintiff carried a work phone and regularly worked additional hours per week off the clock responding to work-related text messages and emails and employee questions from new hires outside of scheduled work hours. Plaintiff received no compensation for this off-the-clock work.

Civil Penalties Applicable to Minimum Wage Violations

As a result of the above minimum wage violations, Employer is subject to the civil penalties listed in Labor Code sections 1197.1 and 2699.

Overtime Violations

Labor Code section 510 and the applicable Wage Order provide that an employee shall be paid one and one-half times their regular rate of pay for any work in excess of eight hours in one workday or 40 hours in any one workweek. Labor Code section 510 and the applicable Wage Order further provides that an employee shall be paid twice their regular rate of pay for any work in excess of 12 hours in one day.

Unpaid Overtime Due to Off the Clock Work

The Aggrieved Employees regularly worked in excess of eight hours in a day and 40 hours in a workweek. Since the Aggrieved Employees were required to perform work off the clock, it follows that this time was often overtime. Thus, the Aggrieved Employees were not paid all overtime wages owed.

Misclassification of Exempt Employees

Plaintiff and other HR Generalists and managers were misclassified as exempt employees despite performing primarily administrative, non-discretionary tasks that did not require the exercise of independent judgment and discretion as required for the administrative exemption. Plaintiff's duties consisted of onboarding new hires, conducting orientation classes, ensuring required trainings were completed, assisting employees with form completion, and general administrative tasks related to setting up the onboarding process. These duties were routine, administrative tasks rather than work requiring the discretion and independent judgment necessary to qualify for exempt status.

As a result of this misclassification, Plaintiff and other similarly situated employees regularly worked 10 to 14-hour days and 7-day work weeks without receiving any overtime compensation. For example, in July 2025, Plaintiff worked all but three days of the month, including working both Saturdays and Sundays, yet received no overtime pay. This systematic misclassification resulted in the unlawful withholding of overtime wages owed to Plaintiff and the Aggrieved Employees.

Civil Penalties Applicable to Overtime Violations

As a result of the above overtime violations, Employer is subject to the civil penalties listed in Labor Code sections 558, 1197.1, and 2699.

Meal Break Violations

Labor Code section 512 and the applicable Wage Order provides that an employer shall not employ an employee for a work period of more than five hours per day without providing the employee with a meal period of not less than 30 minutes, or more than 10 hours per day without providing the employee with a second meal period of not less than 30 minutes. Meal periods must be uninterrupted, and the employee must be relieved of all duty.

Labor Code section 226.7 further provides that an employee is entitled to one hour of pay at their regular rate of pay for each day that a compliant meal period was not provided.

An employer provides compliant meal breaks to its employees "if it relieves its employees of all duty, relinquishes control over their activities and permits them a reasonable opportunity to take an uninterrupted 30-minute break." (*Brinker Restaurant Corp. v. Superior Court*, 53 Cal.4th 1004, 1040 (2012)).

Missed Meal Breaks

The Aggrieved Employees' meal breaks were regularly missed due to the high-volume of work demands at Employer's facility. Plaintiff frequently missed his meal breaks while performing onboarding duties for classes of 20 to 25 new hires. These meal break violations were systematic and ongoing throughout Plaintiff's employment.

Additionally, Plaintiff and the Aggrieved Employees never received a required second meal break despite frequently working shifts exceeding 10 hours. During the initial ramp-up period, Plaintiff regularly worked 10 to 14-hour days, yet was never provided with the legally required second meal period.

Premium pay for missed meal breaks must be paid at the employees' regular rate of pay. (*Ferra v. Loews Hollywood Hotel, LLC*, 11 Cal. 5th 858 (2021)). The regular rate of pay includes all remunerations, including shift differentials, incentive pay, and other non-discretionary bonuses. Here, the Aggrieved Employees did not receive premium pay for missed meal breaks.

Civil Penalties Applicable to Meal Break Violations

As a result of the above meal break violations, Employer is subject to the civil penalties listed in Labor Code sections 558 and 2699.

Rest Break Violations

Labor Code section 226.7 and the applicable Wage Order requires employers to authorize and permit its employees to take rest periods based on the total hours worked daily at the rate of 10 minutes net per four hours or major fraction thereof. Employees must be relieved of all duties during their rest breaks.

Labor Code section 226.7 further provides that an employee is entitled to one hour of pay at their regular rate of pay for each day that a compliant rest break was not provided.

Missed Rest Breaks

The Aggrieved Employees' rest breaks were regularly missed due to the same high-volume, startup environment that caused the systematic meal break violations. Plaintiff missed his rest breaks while performing onboarding duties in the understaffed facility and continued to miss rest breaks throughout the remainder of his employment.

The rest break violations extended beyond Plaintiff to other Aggrieved Employees who were similarly subjected to the demanding work environment during the startup period. Managers and supervisors also regularly missed rest breaks due to the volume of work and staffing shortages.

Premium pay for missed rest breaks must be paid at the employees' regular rate of pay. (*Ferra v. Loews Hollywood Hotel, LLC*, 11 Cal. 5th 858 (2021)). The regular rate of pay includes all remunerations, including shift differentials, incentive pay, and other non-discretionary bonuses. Here, the Aggrieved Employees did not receive premium pay for missed rest breaks.

On Call and On Duty Rest Breaks

The Aggrieved Employees were required to remain on call and generally on duty during their rest breaks. Employers may not impose any limits on rest breaks. (*Augustus v. ABM Sec. Servs., Inc*., 2 Cal. 5th 257, 269 (2016) (an employer cannot "satisfy its obligation to relieve employees from duties and employer control during rest periods when the employer [] requires its employees to remain on call")). Thus, Employer violated the Labor Code by requiring the Aggrieved Employees to remain on call and on duty during their rest breaks.

An employer generally may not place restrictions on its employees during their rest breaks, such as requiring its employees to remain on the premises and subject to the employer's control. In fact, the California Division of Labor Standards and Enforcement has provided the following guidance on its website:

> Q. Can my employer require that I stay on the work premises during my rest period?
>
> A. No, your employer cannot impose any restraints not inherent in the rest period requirement itself. In *Augustus v. ABM Security Services, Inc*., (2016) 5 Cal.5th 257, 269, the California Supreme Court held that the rest period requirement "obligates employers to permit-and authorizes employees to take-off-duty rest periods. That is, during rest periods employers must relieve employees of all duties and relinquish control over how employees spend their time." (citation omitted) As a practical matter, however, if an employee is provided a ten minute rest period, the employee can only travel five minutes from a work post before heading back to return in time.

Here, since the Aggrieved Employees were not allowed to leave the work premises during their rest breaks, they were subject to Employer's control during the rest breaks. Thus, the Aggrieved Employees were not provided with compliant rest breaks.

Civil Penalties Applicable to Rest Break Violations

As a result of the above rest break violations, Employer is subject to the civil penalties listed in Labor Code section 2699.

Unreimbursed Work Expenses

Labor Code section 2802 requires an employer to "indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties"

Here, the Aggrieved Employees incurred out of pocket expenses in connection with their employment, but these expenses were not reimbursed by Employer. Specifically, Plaintiff used his personal vehicle to drive to FedEx facilities in Millbrae for work-related deliveries; Plaintiff paid for gas and incurred mileage expenses for these work-related trips without any reimbursement from Employer.

Civil Penalties Applicable to Work Expense Violations

As a result of Employer's failure to reimburse all work-related expenses, Employer is subject to the civil penalties listed in Labor Code section 2699.

Wage Statement Violations

Labor Code section 226 requires an employer to provide wage statements to its employees which include, among other things, gross and net wages earned, total hours worked, the number of piece-rate units earned and any applicable piece rate, all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate. Employer failed to provide wage statements which accurately reflected this information.

Due to the unpaid overtime, missed meal and rest breaks, and off-the-clock work detailed above, Aggrieved Employees' wage statements were inaccurate and did not reflect all hours worked or wages owed. As a salaried employee whose hours were not tracked, Plaintiff's wage statements did not provide sufficient information to determine proper payment.

Civil Penalties Applicable to Wage Statement Violations

As a result of the wage statement violations detailed above, Employer is subject to the civil penalties listed in Labor Code sections 226.3 and 2699.

Waiting Time Penalties

Labor Code sections 201 and 202 require that an employer provide an employee with all wages due and payable either: (a) immediately upon termination, or (b) within 3 days of the employee's resignation. When an employer fails to comply with the above, the employee is entitled to the equivalent of a day's wage at their regular rate of pay for each day the employer is late, for up to 30 days. (Labor Code section 203). Employer failed to pay all wages owed at the conclusion of the Aggrieved Employees' employment.

Plaintiff's employment ended in November 2025. At the time of separation, Plaintiff was owed unpaid wages including unpaid overtime, meal and rest break premium pay, and reimbursement for business expenses. Employer failed to pay all wages owed at the conclusion of Plaintiff's employment.

Civil Penalties Applicable to Waiting Time Penalties

Because of Employer's failure to pay all wages at the conclusion of employment and to pay the resulting waiting time penalties, Employer is subject to the civil penalties listed in Labor Code section 2699.

Suitable Seating Violation

Labor Code section 1198 makes it illegal to employ an employee under conditions of labor that are prohibited by the applicable Wage Order. Specifically, section 1198 requires that "the standard conditions of labor fixed by the commission shall be the […] standard conditions of labor for employees. The employment of any employee […] under conditions of labor prohibited by the order is unlawful."

The applicable Wage Order provides that "[a]ll working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats." It further states that "[w]hen employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties."

Here, Employer did not provide the Aggrieved Employees with suitable seating as required by the Wage Order. During the first three weeks to one month of operations from May 2025 into June 2025, there was little to no furniture in the office. Many employees, including Plaintiff, had no place to sit during this startup period. Plaintiff's work as an HR Generalist conducting onboarding and orientation involved tasks that reasonably could be performed while seated, including completing paperwork, reviewing forms, and conducting training sessions. The suitable seating requirement applies even during a startup period, and Employer had an obligation to provide basic furniture before commencing operations.

Civil Penalties Applicable to Suitable Seating Violations

As a result of the suitable seating violations detailed above, Employer is subject to the civil penalties listed in Labor Code section 2699.

Sincerely,
/s/
Adam Rose
Mike Rachmann