

ELIZABETH DAUPHINAIS

C/O DIVERSITY LAW GROUP, P.C.

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September 12, 2023

VIA ON-LINE FILING WITH LWDA AND CERTIFIED MAIL, RETURN RECEIPT
REQUESTED TO EMPLOYER

California Labor & Workforce Development Agency
Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612
PAGA@dir.ca.gov

Re: *Dauphinais v. Surgicare of Silicon Valley, LLC*

To Whom It May Concern:

This correspondence shall constitute written notice under Labor Code § 2699.3 of the claims asserted on behalf of myself and other aggrieved employees against Surgicare of Silicon Valley, LLC/Silicon Valley Surgery Center, L.P./Bascom Surgery Center (collectively, the “Company”). I allege that the Company:

1. Violated Labor Code §§ 510, 558, 1194, 1197, and 1197.1 by failing to pay me and other employees for all hours worked. The Company uses an electronic timekeeping system that captures the exact time of punch entries. However, for the purpose of paying wages, the Company rounds each punch to the nearest quarter-hour. As a result of the rounding, the Company failed to pay me and other employees for all time worked.

2. Violated Labor Code § 226(a) by failing to provide accurate, itemized wage statements to me and other employees. First, the Company failed to list the accurate total hours worked on wage statements furnished to me and other employees when shift differentials (such as ExShf Pr) and/or overtime wages are paid. When shift differentials and/or overtime wages are paid and the applicable hours are added up in each respective wage statement, it does not correlate to the correct number of total hours worked during each pay period. Second, the wage statements omit the correct name of the legal entity that is the employer. On different occasions, the wage statements have identified three different entities with different addresses as the employer – Suricare of Silicon Vall, Silicon Valley Surgery C and Bascom Surgery Center. It is confusing which, if any, of these entities is/are the actual legal entity and address that is the employer. Third, as a result of the underpayment of wages due to the Company’s unlawful rounding policy, the wage statements failed to accurately display the correct gross/net wages, number of hours worked at each hourly rate and the total hours worked.

The address for the Company is:

Surgicare of Silicon Valley, LLC
One Park Plaza
Nashville, TN 37203

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A PROFESSIONAL CORPORATION

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Silicon Valley Surgery Center, L.P.
14601 South Bascom Avenue, Suite 100
Los Gatos, CA 95032

Bascom Surgery Center
3803 South Bascom Avenue, Suite 106
Campbell, CA 95008

Please contact my attorney, Larry W. Lee, if you have any questions regarding this matter.

Sincerely,

DocuSigned by:

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Elizabeth Dauphinais

cc: Surgicare of Silicon Valley, LLC/Silicon Valley Surgery Center, L.P./Bascom Surgery Center (by certified mail)