

December 22, 2023

ELECTRONICALLY FILED

Attn: PAGA Administrator
Labor and Workforce Development Agency
1515 Clay Street, Suite 801
Oakland, California 94612
PAGAfilings@dir.ca.gov

Re: Private Attorneys General Act of 2004 Notice

Employees: Michael Allen and Aggrieved Employees

Employer: Pride Industries and Other Related Entities

Dear PAGA Administrator:

Pursuant to California Labor Code § 2699.3(a)(1), Mr. Allen (“Plaintiff”) notifies the California Labor & Workforce Development Agency (“LWDA”) that he intends to seek civil penalties on behalf of himself and other Aggrieved employees of Pride Industries (“Pride” or “Defendant”), and any currently unknown related entities involved in the violations alleged pursuant to California Labor Code § 2699(a) and (f) for violations of the California Labor Code, including California Labor Code sections:

- 200, 204, & IWC Wage Orders 4-2001 and 5-2001 (failure to compensate for all hours worked);
- 1182.12, 1194, 1197 & 1198 (failure to pay minimum wage);
- 510 (failure to pay overtime wages);
- 226.7, 512 & IWC Wage Orders 4 and 5 (failure to authorize and permit and/or make available meal and rest periods);
- 226 & 226.3 (failure to provide timely and accurate itemized wage statements); and
- 201-203 & 256 (waiting time penalties).

Mr. Allen and other Aggrieved Employees are all current and former hourly, non-exempt employees of Pride Industries, including but not limited to hourly workforce inclusion employment coaches, custodians, production workers, store workers, day porters, janitors, and others with similar job duties.

Background of Defendants:

Pride Industries, founded in 1966, is a non-profit organization that creates employment opportunities for people with disabilities. Pride provides employees with employment coaching, training, job placement, and on-the-job support. Defendant is registered in the state of California



and does business in the state of California. Pride employs hundreds of workers and conducts extensive activities in the state of California.

Defendant exercised control over Plaintiff and Aggrieved Employees with respect to their employment. Defendant employs Plaintiff and Aggrieved Employees because Defendant, directly or indirectly, control the employment terms, pay practices, timekeeping practices, and daily work of Plaintiff and Aggrieved Employees.

Background of Plaintiff:

Mr. Allen is currently employed by the Defendant and has worked for Pride since approximately August 2019. Mr. Allen works for Pride in Sacramento, California as a non-exempt, hourly employment coach. Mr. Allen usually works five (5) days a week for ten (10) to twelve (12) hours or more per shift. Mr. Allen's weekly hours vary, but on average, he is scheduled to work approximately 50 hours per week, or more depending on the needs of the business and its clients.

Failure to Compensate All Hours Worked and to Pay Minimum Wages and Overtime Wages:

Defendant denies Plaintiff and Aggrieved Employees proper compensation for all hours worked, including minimum wage and overtime. Plaintiff and Aggrieved Employees are regularly required to perform work while off-the-clock. For instance, Defendant requires Plaintiff and Aggrieved Employees to pass through a security check prior to entering Defendant facilities. Management then allows Plaintiff and Aggrieved Employees to clock-in after passing through the required security screening. During this time, Plaintiff and Aggrieved Employees do not receive compensation.

As a matter of policy, Defendant does not record such time spent by employees waiting to pass through security checks. This time spent at the job site while off-the-clock goes unrecorded and uncompensated even though it should be compensated at minimum wage and/or overtime rates under California law, giving rise to minimum wage and overtime violations. Upon information and belief, Defendant follows a similar policy of not compensating employees for time worked during off-the-clock during security checks across California that results in hundreds of Aggrieved Employees performing services for the benefit of Defendants while off-the-clock.

Failure to Provide Compliant Meal & Rest Breaks:

Plaintiff and Aggrieved Employees are not provided with an uninterrupted off-duty 30-minute meal period before the fifth hour of work, or a second meal break before the tenth hour of work on days when they work shifts of ten hours or more. Plaintiff and Aggrieved Employees are not allowed to leave the premises of Defendant facilities and are expected to remain on-duty during their state required 30-minute meal period. Plaintiff and Aggrieved Employees must continue to attend to Defendant clients during their meal periods. As a result, when Plaintiff and Aggrieved Employees are taking an on-duty meal period while assisting Defendant clients, they are not provided with duty-free, uninterrupted, timely thirty-minute meal periods by the end of the fifth and tenth hour of work, nor do they receive the proper premium payments for non-compliant meal breaks.



Additionally, Aggrieved Employees are not provided with uninterrupted, ten-minute rest periods, during which they should be completely relieved of any duty, by the end of the fourth hour of work, and again, by the end of the eighth hour of work. Aggrieved Employees do not receive the proper premium payments for non-compliant rest breaks.

Failure to Provide Timely & Itemized Wage Statements:

As outlined above, Plaintiff and Aggrieved Employees perform a substantial amount of work which goes unrecorded and uncompensated and do not receive premium payments for missed, interrupted and/or untimely meal and rest breaks. Therefore, Plaintiff and Aggrieved Employees do not receive accurate, itemized wage statements.

Failure to Timely Pay all Wages Owed During Employment and Following Separation from Employment:

As a consequence of Defendant's failure to pay for all hours worked, including minimum wage and overtime premiums and failure to pay premiums for missed, interrupted and/or untimely meal and rest breaks, Plaintiff and Aggrieved Employees do not receive all wages owed during employment and upon separation from employment.

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Plaintiff is represented by Schneider Wallace Cottrell Konecky LLP ("SWCK"), a law firm based in Emeryville, California. SWCK has extensive experience in the successful litigation and resolution of employment and representative actions nationwide. A description of the work, mission, and credentials of the firms can be found at www.schneiderwallace.com. Plaintiff and his counsel are committed to zealously pursuing redress on behalf of the State of California and all other similarly situated employees for the violations and civil penalties set forth above.

Sincerely,



CAROLYN H. COTTRELL
Attorney at Law

CC via certified mail:

Pride Industries
c/o Corporate Creations Network Inc.
5901 W. Century Blvd.
Los Angeles, CA 90045
Registered Agent for Pride Industries