



POTTER HANDY, LLP

A Law Firm

100 Pine St., Ste 1250
San Francisco, CA 94111

James M. Treglio, Attorney
JimT@PotterHandy.com
Phone: (415) 534-1911
Fax: (888) 422-5191

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Copy Sent via Certified Mail to:

Human Resources
Robert Half Inc.
2884 Sand Hill Road, Suite 200
Menlo Park, CA 94025

Robert Half Inc.
Registered Agent for Service of Process
CT Corporation System
330 N Brand Blvd., Suite 700,
Glendale, CA 91203

Robert Half Inc.
2884 Sand Hill Road, Suite 200
Menlo Park, CA 94025

Re: Annabelle Hilario v. Robert Half Inc., et al.,
California Labor Code § 2699 Penalties; Notice of Intent for File Suit

General Counsel:

This office represents Plaintiff Annabelle Hilario ("Plaintiff") and a proposed group of current and former applicants and/or employees of Robert Half Inc. ("Robert Half" and/or "Defendants") in the State of California for violations of California Labor Code § 432.5. Plaintiff wishes to bring a representative action on behalf of herself and the State of California as well as on behalf of the following group of aggrieved employees:

- (a) all individuals who applied for employment with Defendants, or their predecessor or merged entities in California and who are or were required to undergo a background check and were asked for information on their criminal background before employment was offered, from one year prior to the mailing of this notice and continuing into the present.

Collectively referred to as the "Aggrieved Employees."

The purpose of this letter is to comply with the Private Attorneys General Act of 2004 ("PAGA"), pursuant to California Labor Code § 2698 *et seq.* We herein set forth some of the

facts and theories of California Labor Code violations which we allege Defendants engaged in with respect to our client and all Aggrieved Employees.¹

a. Factual Background

Plaintiff and the aggrieved employees are and were employed by and/or applicants of ROBERT HALF INC., a Delaware corporation headquartered in Menlo Park, California. It is the world's first and largest specialized talent solutions and business consulting firm with offices across the globe.

On or about July 12, 2023, Plaintiff applied for employment with Defendants in the latter's office in Santa Barbara, California. During her application, Defendants required Plaintiff to undergo a background check and disclose her criminal history before Defendants finalized their job offer.

The background check Defendants conducted during the application process came back without any negative records. Despite having an entry about "self-disclosed criminal history" and "admitted offense," all of the searches conducted during the background check yielded results that were either "no record found" or "no reportable record found."

Subsequently, Defendants did not hire Plaintiff. Plaintiff is informed and believes that she was not hired because of her voluntary disclosure of her criminal history and Defendants relied on a criminal record that went back farther than seven (7) years in making their hiring decision.

Defendants did not provide Plaintiff with an adverse action letter. Rather than provide Plaintiff with an opportunity to respond to items contained within the consumer report, Defendants immediately chose to not hire Plaintiff. Plaintiff was not provided with a summary of her rights. Plaintiff is informed and believes that the methods by which Plaintiff was informed of Defendant's decision not to hire her, specifically not providing an adverse action letter and a summary of rights, is common to all members of the Applicant Class.

b. Claim Asserted by Plaintiffs

i. Defendants Violated and Continue to Violate Labor Code § 432.5

Labor Code § 432.5 states, "No employer, or agent, manager, superintendent, or officer thereof, shall require any employee or applicant for employment to agree, in writing, to any term

¹ See *Cardenas v. McLane FoodServices, Inc.* (C.D. Cal. Jul. 8, 2011) 796 F. Supp. 2d 1246, 1261; *Moua v. Int'l Bus. Machines Corp.* (N.D. Cal. Jan. 31, 2012) No. 5:10-CV-01070 EJD, 2012 WL 370570, at *5; *York v. Starbucks Corp.*, (C.D. Cal. Nov. 1, 2012) No. CV 08-07919 GAF PJWX, 2012 WL 10890355, at *4.

or condition which is known by such employer, or agent, manager, superintendent, or officer thereof to be prohibited by law.” The intent and purpose of this statute is clear – no employee shall be required to agree to unlawful terms in their employment contract.

On the other hand, California Government Code § 12952 provides that:

(a) Except as provided in subdivision (d), it is an unlawful employment practice for an employer with five or more employees to do any of the following:

(1) To include on any application for employment, before the employer makes a conditional offer of employment to the applicant, any question that seeks the disclosure of an applicant's conviction history.

(2) To inquire into or consider the conviction history of the applicant, including any inquiry about conviction history on any employment application, until after the employer has made a conditional offer of employment to the applicant.

Contrary to and in violation of these provisions, however, Defendants required Plaintiff and the aggrieved employees to undergo background checks and provide their criminal background even before they made offers of employment.

CONCLUSION

Therefore, pursuant to Labor Code § 2699.3, we write to inform you and the Labor and Workforce Development Agency, with whom this PAGA Notice has been filed, of our intent to pursue a PAGA representative action and a Class Action against Defendants seeking PAGA penalties under Labor Code § 2699 to be brought by Plaintiffs, individually and on behalf of the aggrieved employees, as defined above.

Nevertheless, it is the policy of this firm to attempt to negotiate an early resolution of all matters where possible and beneficial to the aggrieved employees and all putative class members. If Defendants are interested in attempting to resolve this matter on a class-wide basis, including the PAGA claims, please contact me or have your lawyer contact me so that we can discuss an informal discovery plan and the possibility of early mediation on or before **February 19, 2024**. If we do not hear from you on or before **February 19, 2024**, we will proceed with this matter with the understanding that Defendants do not wish to negotiate an early resolution of this matter.

In all correspondence that you send me, kindly copy the following:

jimt@potterhandy.com

kevinw@potterhandy.com

waizaa@potterhandy.com

melisaq@potterhandy.com

trinam@potterhandy.com

hilariovroberthalfz11792153@cms.filevineapp.com

Respectfully submitted,

James M. Treglio

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POTTER HANDY, LLP