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VIA ONLINE

Attn. PAGA ADMINISTRATOR
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102

VIA CERTIFIED U.S. MAIL

CR&R Incorporated
11292 Western Ave
Stanton, California 90680

Re: Zanita M. Banda v. CR&R Incorporated.
Notice of Recovery of Civil Penalty Pursuant to California Labor Code §2699.3.

Dear Sir or Madam:

Please be advised that Ms. Zanita M. Banda (hereinafter "Banda" or "Employee") has retained this office to represent her against CR&R Incorporated (collectively "Employer").

Employee intends to seek penalties for violations of the California Labor Code, which are recoverable under California Labor Code sections 2699, et seq. This letter is in accordance with section 2699.3 of the California Labor Code and will serve as Ms. Banda's written notification pursuant to Cal. Lab. Code § 2699, et seq. This notice is being provided to both the California Labor & Workforce Development Agency (via Online service) and CR&R Incorporated, via certified mail.

Employee is seeking penalties on behalf of herself. Specifically, Employee is seeking to recover civil penalties, in addition to other remedies, for violations of the following California Labor Code Sections:

California Labor Code Section 98.6 and 1102.5

California Labor Code section 98.6 protects an employee filing or threatening to file a claim or complaint with the Labor Commissioner, instituting or causing to be instituted any proceeding relating to rights under the jurisdiction of the Labor Commissioner, or testifying in any such proceeding, complaining orally or in writing about unpaid wages, or for exercising (on behalf of oneself or other employees) any of the rights provided under the Labor Code or Orders of the Industrial Welfare Commission, including, but not limited to, the right to demand payment of wages due, the right to express opinions about, support or oppose an alternative workweek election, or the exercise of any other right protected by the Labor Code. The new law now also bars employers from retaliation because a worker has made an oral or written complaint that he or she is owed unpaid wages. Cal. Lab. Code § 98.6(a) (AB 263, SB 666). In addition to other remedies that might be available, a civil penalty of up to \$10,000 may be awarded to an employee for each violation of Labor Code section 98.6.

California Labor Code Section 1102.5 protects against retaliation for disclosing information, or because an employer believes an employee has disclosed information, to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has the authority to investigate, discover, or correct a violation where an employee reasonably believes that the information discloses a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation. In addition to other remedies that might be available, a civil penalty of up to \$10,000 may be awarded for each violation.

The facts and theories supporting these violations are as follows: Ms. Banda is a former employee of CR&R Incorporated. Throughout her employment, Employee was a non-exempt hourly paid employee. During her employment, Employee notified Employer that she suffered from disabilities and requested reasonable accommodations. Although, some of Employee's accommodations were approved by Employer's third-party agency, Employer failed to accommodate Employee's requests for accommodation. In fact, Employer wrote-up Employee for taking time off due to her disabilities. Employee complained to Employer that the write-ups were inappropriate since her absences were due to her FMLA/CFRA leave. In response to her complaints, Employer discriminated and retaliated against Employee and subsequently terminated Employee.

California Labor Code Section 230 (e)

California Labor Code Section 230(e) provides that "An employer shall not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of crime or abuse, if the employee provides notice to the employer of the status or the employer has actual knowledge of the status."

On or about January 2023, Employee notified that she was late to work because she was a victim of a crime. In response, Employer disciplined Employee and wrote Employee up.

California Labor Code Sections 201, 202 and 203 [Waiting Time Violations]

Furthermore, Employee was not paid her final wages within the time specified in Labor Code sections 201-203.

Violation of California Business and Professions Code § 17200 *Et Seq*

These claims are derivative to the other violations.

We look forward to receiving your response to this letter pursuant to Labor Code Sec. 2699.3(a)(2)(A). Based on the Labor Code violations described in this letter, and any predicate violations subsequently discovered, Employee intends to seek penalties, attorneys' fees, costs, and interest under PAGA. Thank you for your assistance on this issue. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Very truly yours,

Morris Nazarian

Morris Nazarian Esq.