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Via Certified Mail

Majco, LLC
14401 Princeton Ave.
Moorpark, CA 93021

Subject: *Oscar Meza v. Majco, LLC*

Dear Representative:

This office represents Oscar Meza in connection with Labor Code violation claims related to employment Majco, LLC ("Employer").

During Plaintiff's employment where they worked tire services, he was subjected to at least one of the violations alleged below. Therefore Plaintiff intends to seek PAGA penalties on behalf of himself and all other non-exempt aggrieved during the PAGA period, which begins one year prior to the date of this letter and, because the violations alleged herein are ongoing, the PAGA period extends beyond the date of this letter.

Minimum Wage Violations

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

Off the Clock Work

Employer did not pay Plaintiff and the Aggrieved Employees the minimum wage for all hours worked because the Aggrieved Employees were required to perform work while off the clock including performing errands for managers and supervisors.

Applicable Civil Penalties

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 provides 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

Plaintiff and 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, Plaintiff and the Aggrieved Employees were not paid all overtime wages owed.

Applicable Civil Penalties

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.

On Duty Meal Breaks

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)). Thus, the breaks were noncompliant.

Applicable Civil Penalties

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.

On Call / On Duty Rest Breaks

Plaintiff and the Aggrieved Employees were required to remain on call and generally on duty during their rest breaks. Courts have repeatedly held that 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.

Applicable Civil Penalties

As a result of the above rest break violations, 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 includes, among other things, gross and net wages earned / total hours worked / the number of piece-rate units earned and any applicable piece rate / all deductions / the inclusive dates of the period for which the employee is paid / the name of the employee and only the last four digits of his or her social security number or an employee identification number / the name and address of the legal entity that is the employer / all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate. Employer intentionally did not to provide wage statements which accurately reflected this information.

Applicable Civil Penalties

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

When an employer did not pay all wages owed on separation, 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). Because Employer did not pay Plaintiff and the Aggrieved Employees all wages owed during their employment, it follows that the Aggrieved Employees were also never paid these wages after the conclusion of their employment. Thus, Employer had an obligation to pay waiting time penalties, but intentionally failed to do so.

Applicable Civil Penalties

Employer is subject to the civil penalties listed in Labor Code section 2699.

Commissions Violations

Commissions are wages pursuant to Labor Code section 200. Subsequently, Labor Code section 204 provides that all wages must be paid timely bimonthly. Employer did not timely pay all earned commissions. Employer either did not properly calculate the earned commissions, or made improper deductions under Labor Code section 221.

Applicable Civil Penalties

Employer is subject to the civil penalties listed in Labor Code section 210.

Sincerely,

Adam Rose