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May 31, 2024

Electronically Filed Via LWDA's PAGA Claim Notice Online Form

Copy Sent Via Certified Mail to:

Reflectech, Incorporated
5861 88th Street, #100
Sacramento, CA 95828
erreflectech@gmail.com

Re: Gisela Rodriguez v. Reflectech, Incorporated and Ed Russell: California Labor Code § 2699.3 Notice of Intent to File Suit

To Whom It May Concern:

Please be advised that our office, along with co-counsel King & Siegel LLP, hereby provides notice to the Labor and Workforce Development Agency ("LWDA") on behalf of our client Gisela Rodriguez of her intent to seek civil penalties against Reflectech, Incorporated and Ed Russell (collectively "Defendants") pursuant to the Private Attorney General Act of 2004 ("PAGA"), California Labor Code § 2698, *et seq.*

Ms. Rodriguez intends to file a civil action including claims for penalties under PAGA in Sacramento County Superior Court on behalf of a group of current and former employees employed within the one-year period preceding the date of this letter (the "Aggrieved Employees") seeking civil penalties arising out of Defendants' violation of the following Labor Code sections¹:

- **California Labor Code §§ 204 and 206 (Unpaid Earned Wages):** Based on information and belief, Reflectech, Incorporated implemented a uniform time clock rounding policy and practice that resulted in Ms. Rodriguez and similarly situated employees being consistently denied minimum wages compensation for all hours worked. Reflectech, Incorporated failed to record and/or compensate Ms. Rodriguez and similarly situated employees for actual daily hours worked and instead utilized a rounding system that systemically and over time resulted in the underpayment of wages for hours worked. Upon information and belief, Reflectech, Incorporated also failed to pay employees for hours worked off the clock at the control or direction of Reflectech, Incorporated, including time spent driving

¹ Ms. Rodriguez expressly reserves the right to add and/or amend any and all additional labor law violations committed against her or other similarly aggrieved current and former employees.

between assigned jobsites, and/or failed to pay for time spent by employees under its control and direction while putatively on their meal periods.

- **California Labor Code §§ 510, 1194, and 1198 (Unpaid Overtime Wages):** Because Ms. Rodriguez and similarly situated employees worked shifts equal to or in excess of 8 hours per day and/or 40 hours per week, some or all of the unpaid time described above was required to be paid at applicable overtime rates. Due to the above-described policies, Reflectech, Incorporated consistently failed to pay all overtime wages compensation earned by Ms. Rodriguez and similarly situated employees. Reflectech, Incorporated failed to record and/or compensate Ms. Rodriguez and similarly situated employees for her actual daily and/or weekly overtime hours worked.
- **California Labor Code § 512 (Meal Period Violations):** As part of a uniform policy or practice, Reflectech, Incorporated required or pressured Ms. Rodriguez and similarly situated employees to work through part of their meal periods, and otherwise interrupted or required Aggrieved Employees to receive and/or respond to management's communications during breaks. On information and belief, Reflectech, Incorporated also deemed the clocked out time spent by Ms. Rodriguez and similarly situated employees driving between jobsites as their authorized meal periods. Additionally, upon information and belief, Reflectech, Incorporated impermissibly applied its rounding policy to employee meal periods. Reflectech, Incorporated further failed to compensate her and Aggrieved Employees for premium wages owed when she was not allowed to take a compliant meal period.
- **California Labor Code § 226.7 (Rest Period Violations):** As part of a uniform policy or practice, Reflectech, Incorporated required Ms. Rodriguez and similarly situated employees to remain on the premises during their rest periods. Reflectech, Incorporated required or pressured Ms. Rodriguez and similarly situated employees to work through all or part of rest periods without relieving them of all duties, and otherwise interrupted or required Aggrieved Employees to complete all assigned task within a four-hour time frame. Reflectech, Incorporated Inc. further failed to compensate her and Aggrieved Employees for premium wages owed when she was not allowed to take a compliant rest period.
- **California Labor Code § 2802(a) (Failure to Reimburse Business Expenses):** Reflectech, Incorporated required Ms. Rodriguez and similarly situated employees to comply with a practice that denied her reimbursements for business expenses. Ms. Rodriguez and similarly situated employees used a personal cellular phone to complete work-related tasks, including but not limited to receiving orders from her supervisor(s) on past, current, and future assignments throughout her shifts. Ms. Rodriguez and similarly situated employees further used a personal vehicle to complete work-related tasks, including driving between jobsites during their eight-hour shifts. Because Ms. Rodriguez and similarly situated employees used their

personal cellular phones and vehicles to discharge their duties, Reflectech, Incorporated should have reimbursed them for these necessary expenditures.

- **California Labor Code § 233(c) (Violation of California's Kin Care Law):** Reflectech, Incorporated implemented a uniform sick leave policy and practice that resulted in Ms. Rodriguez and similarly situated employees being denied the right to use accrued and available sick leave as required under the Labor Code. On information and belief, Reflectech, Incorporated required proof of illness such as doctor's note, failed to accurately compensate the use of sick time, and/or operated under a policy that rendered unused sick time hours expired after 12 months. Because Reflectech, Incorporated denied Ms. Rodriguez, and similarly situated employees, the lawful use or attempt to use accrued and available sick leave, Reflectech, Incorporated violated California's Kin Care Law.
- **California Labor Code §§ 226(a), and 1174(d) (Inaccurate Wage Statements):** Reflectech, Incorporated failed to provide Ms. Rodriguez and similarly situated employees compliant wage statements because they failed to accurately show all gross wages earned, including unpaid premium wages owed, total hours worked by the employee, net regular and overtime wages earned, or all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.
- **California Labor Code § 204/210 (Failure To Timely Pay Wages Penalties):** Reflectech, Incorporated failed to pay Ms. Rodriguez and similarly situated employees all wages owed on regularly scheduled paydays, including unpaid regular and overtime wages, and unpaid premium wages because they failed to pay the foregoing wages and penalties as set forth above.
- **California Labor Code § 203 (Waiting Time Penalties):** Reflectech, Incorporated failed to pay Aggrieved Employees all wages owed, including unpaid regular and overtime wages, and unpaid premium wages, at termination of employment because they failed to pay the foregoing wages and penalties as set forth above.

This correspondence serves as notice pursuant to Labor Code § 2699.3 that we intend to prosecute representative claims for civil penalties under the Private Attorney's General Act ("PAGA") on behalf the Aggrieved Employees as set forth in greater detail in the Complaint attached as **Exhibit A**.

We intend to fully and vigorously prosecute the representative claims alleged in this Notice, including by obtaining civil penalties under PAGA, upon expiration of the applicable notice requirements under PAGA. *See* Cal. Lab. Code §§ 2699, *et seq.*

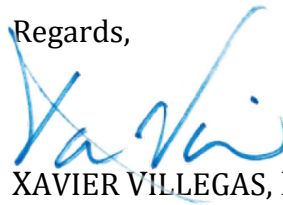
Thank you for your anticipated courtesy and assistance regarding this matter.

* * * * *

To Reflectech, Incorporated and Ed Russell:

The Aggrieved Employees have been seriously harmed by Defendants' actions and we intend to prosecute these claims to the fullest extent of the law. Nonetheless, it is the policy of Class Counsel to attempt to negotiate an early resolution of all matters. If you are interested in seeking an early resolution through mediation on a representative and class-wide basis, including pre-mediation discovery, please contact the undersigned no later than June 17, 2024.

Regards,



XAVIER VILLEGAS, ESQ.