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June 17, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Stewart Knox, Secretary
California Labor and Workforce
Development Agency
Attn. PAGA Administrator
1515 Clay Street, Ste. 801
Oakland, CA 94612

The Hertz Corporation
8501 Williams Road
Estero, Florida 33928

Agent: C T Corporation
330 N Brand Blvd Suite 700,
Glendale, CA 91203

NOTICE OF LABOR CODE VIOLATIONS PURSUANT TO LABOR CODE
SECTION 2699.3

To: The California Labor and Workforce Development Agency and The Hertz Corporation

From: Rodolfo Schulz, on behalf of himself and current and/or former employees for violations of the California Labor Code.

To Whom It May Concern:

We have been retained by Rodolfo Schulz to seek redress for himself and others similarly situated, who have been subject to violations of the Labor Code sections referenced herein.

Factual Statement:

Rodolfo Schulz ("Claimant"), on behalf of himself and similar current and former employees of The Hertz Corporation ("Company"), assert that Claimant worked for the Company as an exempt-classified Customer Service Manager but the Company misclassified Claimant as exempt. During Claimant's employment, the Company required, permitted or otherwise suffered Claimant and the PAGA group to take less than the 30-minute meal period, or to work through them, and otherwise failed to provide the required meal periods to Claimant. The Company also failed to compensate Claimant and the PAGA group with one additional hour of compensation at the proper regular rates of

pay for each workday that a meal period was not provided. Similarly, the Company failed to provide rest periods to Claimant and the PAGA group as required under the Labor Code and then failed to provide Claimant and the PAGA group with one additional hour of compensation at the proper regular rates of pay for each workday that a rest period was not provided.

In addition, by not providing compliant meal and rest periods, the Company failed to compensate Claimant and the PAGA group for all overtime hours Claimant and the PAGA Group worked. Among other things, the Company failed to pay Claimant and the PAGA group overtime at one and one-half or double the regular rate of pay as provided by Labor Code; required, permitted and suffered Claimant and the PAGA group to work through meal and rest breaks; illegally and inaccurately recorded time that Claimant and the PAGA group worked; and failed to properly maintain Claimant's and the PAGA group's records. Besides underpaying Claimant and the PAGA group, the Company also failed to pay Claimant and the PAGA group timely during Claimant's and the PAGA group's employment and failed to pay Claimant and the PAGA group timely upon termination.

As a result of its illegal payroll policies and practices, the Company failed to maintain records as required under Labor Code, including but not limited to the following records: total daily hours worked by each employee; applicable rates of pay; all deductions; business expense reimbursements; meal periods; time records showing when each employee begins and ends each work period; and accurate itemized statements. The Company likewise failed to furnish Claimant and the PAGA group with timely, accurate and itemized wage statements showing Claimant's and the PAGA group's gross wages earned, total hours worked, all deductions made, net wages earned, the inclusive dates of the period for which the employee is paid, and the corresponding number of hours worked at the correct rates of pay, and the correct regular rates of pay for overtime and double time.

Further, the Company failed to indemnify Claimant and the PAGA group for all business expenses incurred in direct consequence of the discharge of Claimant's and the PAGA group's duties, including but not limited to expenses for personal cell phone usage.

California Labor Code § 2802 provides "An employer shall indemnify his or her employee for all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful." Company's failure to reimburse necessary expenses violates this statute.

As a consequence of its conduct, Company has failed to comply with Labor Code Sections 226.7, 510, 512, 1194, and 2802, and Industrial Welfare Commission Wage Orders 4-2001. Company failed to provide accurate, timely and itemized pay stub accounting records to Claimant in violation of Labor Code Section 226(a). Company also failed to pay all wages owed every pay period in violation of Labor Code Section 204. With regard to those no longer employed, Company violated Labor Code Section 203 by failing to pay all wages due upon separation. Claimants are informed and believe that such violations are ongoing, systematic and continuous. Claimants intend to bring an action against Company under the Private Attorney General Act (“PAGA”) to recover penalties and compensation as provided by California law¹.

Theories of Labor Code Violations and Remedies:

Company did not pay its property managers any overtime, and did not provide meal or rest breaks. Company’s conduct violated Labor Code Sections 226.7, 510, 512, 1194, 1194.2, 1197, and IWC Wage Orders 4-2001(3)(A), (11), and (12), and denied Claimants and the other class of employee’s overtime, and meal and rest breaks. In addition, Defendant did not separately compensate for rest breaks. Claimants and the proposed class are entitled to recover wages and/or penalties as provided by Labor Code, including but not limited to, section 558 and IWC Wage Orders 4-2001(20). Claimant seeks wages of one hour of pay for meal and rest break violations, as permitted by Labor Code Section 226.7(c), as well as all available penalties as set forth in Labor Code Section 2699(a) or (f). Company’s conduct also violated Labor Code Section 204 and 204(b), such that penalties are recoverable as set forth in Labor Code Section 210.

¹ Without limitation, Claimants, if permitted, will seek any and all penalties otherwise capable of being collected by the Commission. This includes, each of the following, as is set forth in Labor Code Section 2699.5, which states:

The provisions of subdivision (a) of Section 2699.3 apply to any alleged violation of the following provisions: subdivision (k) of Section 96, Sections 98.6, 201, 201.3, 201.5, 201.7, 202, 203, 203.1, 203.5, 204, 204a, 204b, 204.1, 204.2, 205, 205.5, 206, 206.5, 208, 209, and 212, subdivision (d) of Section 213, Sections 221, 222, 222.5, 223, and 224, subdivision (a) of Section 226, Sections 226.7, 227, 227.3, 230, 230.1, 230.2, 230.3, 230.4, 230.7, 230.8, and 231, subdivision (c) of Section 232, subdivision (c) of Section 232.5, Sections 233, 234, 351, 353, and 403, subdivision (b) of Section 404, Sections 432.2, 432.5, 432.7, 435, 450, 510, 511, 512, 513, 551, 552, 601, 602, 603, 604, 750, 751.8, 800, 850, 851, 851.5, 852, 921, 922, 923, 970, 973, 976, 1021, 1021.5, 1025, 1026, 1101, 1102, 1102.5, and 1153, subdivisions (c) and (d) of Section 1174, Sections 1194, 1197, 1197.1, 1197.5, and 1198, subdivision (b) of Section 1198.3, Sections 1199, 1199.5, 1290, 1292, 1293, 1293.1, 1294, 1294.1, 1294.5, 1296, 1297, 1298, 1301, 1308, 1308.1, 1308.7, 1309, 1309.5, 1391, 1391.1, 1391.2, 1392, 1683, and 1695, subdivision (a) of Section 1695.5, Sections 1695.55, 1695.6, 1695.7, 1695.8, 1695.9, 1696, 1696.5, 1696.6, 1697.1, 1700.25, 1700.26, 1700.31, 1700.32, 1700.40, and 1700.47, paragraphs (1), (2), and (3) of subdivision (a) of, and subdivision (e) of, Section 1701.4, subdivision (a) of Section 1701.5, Sections 1701.8, 1701.10, 1701.12, 1735, 1771, 1774, 1776, 1777.5, 1811, 1815, 2651, and 2673, subdivision (a) of Section 2673.1, Sections 2695.2, 2800, 2801, 2802, 2806, and 2810, subdivision (b) of Section 2929, and Sections 3095, 6310, 6311, and 6399.7.

Claimants and all employees of Company in the State of California were at all times entitled to reimbursement of business expenses incurred. These expenses include, but are not limited to, expenses for personal phone usage. Company has failed to provide reimbursement for necessary expenses incurred by its California employees. Therefore, Claimants and the other employees who are part of the PAGA representative action are entitled to recover pursuant to California Labor Code § 2802 and PAGA laws.

Claimants and the other employees seek to represent were at all times entitled to their rights under the California Labor Code and IWC Wage Orders. Claimants and all other similarly situated employees are entitled to recover penalties, and are entitled to an award of attorneys' fees and other penalties, as permitted under Labor Code.

Very Truly Yours,

HAFFNER LAW PC

A handwritten signature in black ink, appearing to read "Joshua H. Haffner".

Joshua H. Haffner
Alfredo Torrijos
Vahan Mikayelyan