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October 29, 2024

VIA ONLINE SUBMISSION

LABOR AND WORKFORCE DEVELOPMENT AGENCY

Attn: PAGA Administrator

<https://dir.tfaforms.net/308>

VIA CERTIFIED MAIL # 7019 2280 0002 0214 4897

Return Receipt Requested

Laboratory Corporation of America

405 Maple Ave., Unit 411

Burlington, NC 27216

VIA CERTIFIED MAIL # 7019 2280 0002 0214 4880

Return Receipt Requested

Laboratory Corporation of America

ATTN: Becky DeGeorge

2710 Gateway Oaks Drive

Sacramento, CA 95833

Re: *Rosado Cruz v. Laboratory Corporation of America*

**NOTICE OF LABOR CODE VIOLATIONS PURSUANT TO
LABOR CODE SECTION SECTIONS 2698 *et seq.***

To: California Labor and Workforce Development Agency, Laboratory Corporation of America

From: Miguel Angel Rosado Cruz on behalf of himself and aggrieved employees who were subject to Laboratory Corporation of America's unlawful wage and hour policies as set forth below.

Factual Statement

Please note that this firm, Mahoney Law Group, APC, represents the interests of Miguel Angel Rosado Cruz ("Employee") as a representative for all other aggrieved employees, who intends to file a complaint alleging various Labor Code violations and seeking civil penalties under the Private Attorneys General Act of 2004, Labor Code section 2698, *et seq.* ("PAGA").

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Please be advised that this letter constitutes written notice required by Labor Code sections 2699.3, subdivision (a)(l) and 2699.3, subdivision (c)(l) and may lead to action against Laboratory Corporation of America (“Employer”) in a court of law and/or administrative proceedings, as well as the imposition of substantial penalties and other remedies against Employer, and any and all related, parent, and/or alter ego companies, corporations, partnerships, subsidiaries, and/or business entities, as well as against any and all officers, owners, directors, managers, managing agents, or entities who are or may be liable under law for any of the violations alleged herein.

Theories of Labor Code Violations and Remedies

Employee alleges that Employer violated various sections of the Labor Code, including sections 201, 202, 203, 204, 226, 226.3, 226.7, 510, 512, 1174, 1174.5, 1182.12, 1194, 1194.2, 1197, 1197.1, 1198, by failing to provide Employee and all other aggrieved employees all wages for all hours worked, including overtime and double-time wages, failed to provide meal periods or compensation in lieu thereof, failing to provide accurate wage statements, failing to maintain accurate records of hours worked, and failing to pay all compensation due upon separation of employment. Employee and similarly aggrieved employees consist of identifiable, current, and/or former similarly situated persons who worked for Employer as non-exempt employees during the PAGA Period defined as one year prior to the submission of this letter to the Labor Workforce and Development Agency (“LWDA”) and certified mailing to Employer until resolution of these claims.

Employee and other aggrieved employees were regularly not compensated for all hours worked, including overtime and double-time wages, which is in violation of Labor Code sections 510, 1194, 1182.12, 1197 and is actionable under Labor Code section 2699.5. Employers failed to pay Employee and other aggrieved employees the legally mandated wage rates for all hours Employee and other aggrieved employees worked. Employee alleges that Employer failed to include all remuneration when calculating Employee’s and other aggrieved employees’ regular rate for purposes of compensating Employee and other aggrieved employees for his overtime under Labor Code Labor Code section 510. Specifically, Employer paid hourly non-exempt employees non-discretionary bonuses and or incentive compensation and failed to include this compensation when calculating Employee’s and other aggrieved employees’ regular rate for purposes of overtime rate of pay and or meal period premiums. Further, Employee and other employees regularly were obligated to perform work off-the-clock attending to patrons/patients as a result of Employer’s failure to adequately staff employees. Employee will also allege that Employer violated Labor Code sections 201 and 202, et seq., due to its uniform policy, practice and procedure of willfully failing to pay the earned and unpaid wages to all such former employees.

Employer also failed to provide Employee and other aggrieved employees with timely uninterrupted meal periods. Employer had a practice of failing to adequately staff employees to allow Employee and other aggrieved employees to be completely relieved of all of their work responsibilities while on their legally mandated meal break. Further, Employer ordered that Employee and other aggrieved employees to attend to patients/patrons, amongst other regardless of whether an employee was on their break. Further, Employer failed to provide Employee and

other aggrieved employees a meal period prior to their fifth (5th) hour of work and or second (2nd) meal period for shifts worked in excess of ten (10) hours. As a result of Employer's policy and practices, Employee and other aggrieved employees did not receive timely uninterrupted meal periods and were not compensated with premium wages for non-compliant meal periods. Further, any meal or rest premium paid by Employer was less than each employees' regular rate of pay, if any were paid. Employer's conduct is in violation of Labor Code sections 226.7 and 512, is also actionable under PAGA.

As a result of Employer's failure to pay all wages owed as described herein, Employer violated Labor Code sections 201, 202, 203, 204, and 210 due to their uniform policy, practice, and procedure of failing to timely pay all of the above-mentioned wages earned during and after Employee and the aggrieved employees' employment with Employer.

In addition, Employer failed to maintain accurate payroll records and failed to provide Employee and other aggrieved employees with complete and accurate wage statements showing premium wages earned per pay period, among other things. This conduct is in violation of Labor Code sections 226, 226.3, 1174, and 1174.5 and is actionable under PAGA.

Employee will bring his lawsuit on behalf of himself and all other aggrieved employees who were employed by Employer. Please advise if the LWDA has any objection to my client including PAGA claims in his complaint. We look forward to your response, and please feel free to contact our office if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Young", is written over the typed name.

John Young, Esq.

MAHONEY LAW GROUP, APC