



October 1, 2024

ELECTRONICALLY FILED

Attn: PAGA Administrator
Labor and Workforce Development Agency
1515 Clay Street, Suite 801
Oakland, California 94612
PAGAfilings@dir.ca.gov

Re: Private Attorneys General Act of 2004 (“PAGA”) Notice

Employees: Brian Castro-Navarro

Employer: Pearce Services, LLC d/b/a Pearce Renewables

Dear PAGA Administrator:

Pursuant to California Labor Code § 2699.3(a)(1), Brian Castro-Navarro notifies the California Labor & Workforce Development Agency (“LWDA”) that he intends to seek civil penalties pursuant to California Labor Code § 2699(a) and (f) for violations of the following provisions of the California Labor Code by Pearce Services, LLC d/b/a Pearce Renewables (“Pearce”), as well as any unknown related entities involved in the alleged violations:

1. Failure to pay wages (LAB. CODE §§ 510, 1194, and 1194.5);
2. Failure to provide meal and rest periods and failure to provide compensation for missed meal and rest periods (LAB. CODE §§ 226.7 and 512);
3. Failure to provide timely and accurate itemized wage statements (LAB. CODE § 226);
4. Failure to timely pay all wages following separation from employment or when due and payable (LAB. CODE §§ 201, 201.3, 202, 203, 204, and 227.3); and
5. Exceeding the maximum work hours (LAB. CODE § 1198).

Mr. Castro-Navarro, who has been aggrieved by each of Pearce’s violative pay practices stated above, intends to bring a civil action against Pearce pursuant to PAGA on behalf of himself, the State of California, and other Aggrieved Employees. Specifically, the Aggrieved Employees at issue here are all of Pearce’s current and former non-exempt tower foreman, foreman, tower technicians, wind technicians, field technicians, and other employees with similar job duties, who worked in California during the relevant statutory period.

Background of Pearce:

Pearce provides operations and maintenance services to its renewable energy sector customers around the country, including throughout numerous California counties. This includes providing maintenance and electrical services on wind turbines, solar panels, and energy storage facilities.

Background of Aggrieved Employees:

Mr. Castro-Navarro was employed by Pearce in California from approximately October 2023 through June 2024 as an hourly employee climbing wind turbine towers to perform maintenance and repair functions. Mr. Castro-Navarro's job as a wind technician required him to work long hours, perched high up on wind turbine towers after climbing many feet up the towers carrying the necessary gear. Pearce classified Mr. Castro-Navarro as non-exempt from overtime and paid him by the hour.

The Aggrieved Employees, like Mr. Castro-Navarro, are employed by Pearce under job titles including (but not limited to) tower foreman, foreman, tower technicians, wind technicians, field technicians, solar technicians, and the like. The Aggrieved Employees work on Pearce's renewable energy sector operations, maintenance, and service projects in California, and are classified as non-exempt employees.

Allegations:

Pearce failed to pay Mr. Castro-Navarro and the other Aggrieved Employees for all hours worked. Instead, Pearce requires Mr. Castro-Navarro and the other Aggrieved Employees to perform work before they clock in for the day and after they clock out for the day, such as gathering, prepping, loading, and unloading necessary tools and equipment. As a result, Mr. Castro-Navarro and the other Aggrieved Employees are not paid all straight time wages owed, nor are they paid all overtime and double time wages owed due to this "off-the-clock" work.

Pearce further fails to provide compliant meal and rest periods to Mr. Castro-Navarro and the other Aggrieved Employees who, by the nature of their work, including being suspended high up on wind turbine towers, are not fully relieved of work duties during such "break" times. Pearce also fails to, and cannot, ensure Mr. Castro-Navarro and the other Aggrieved Employees receive meal or rest periods in a timely fashion as required by the Labor Code.

Pearce's policies, practices, and procedures cause Mr. Castro-Navarro and the other Aggrieved Employees to systematically miss their meal and/or rest periods. Yet, Pearce does not provide Mr. Castro-Navarro and the other Aggrieved Employees with premium payments for non-compliant meal and rest periods. Mr. Castro-Navarro and the Aggrieved Employees are frequently denied meal and/or rest periods for various reasons, including that Pearce does not authorize, permit, and/or make available timely meal and/or rest periods to them, and/or Mr. Castro-Navarro and the other Aggrieved Employees are often too busy with work (e.g., suspended many feet in the air from a wind turbine tower or otherwise engaged on renewable infrastructure) during the day to have time to take a bona fide meal and/or rest period. Pearce also does not monitor, take steps, or otherwise reasonably attempt to ensure meal and rest periods are made available to Mr. Castro-Navarro and the other

Aggrieved Employees. Further, when Mr. Castro-Navarro and the other Aggrieved Employees do attempt to take a meal period, they are often short, subject to interruption, and/or untimely, *i.e.*, after the end of the 5th hour of work. As a result, Mr. Castro-Navarro and the Aggrieved Employees are not provided with duty-free, uninterrupted, and timely 30-minute meal periods by the end of the 5th hour of work.

Additionally, Mr. Castro-Navarro and the other Aggrieved Employees are not provided with uninterrupted, 10-minute rest periods, while completely relieved of any duty and/or control by Pearce, by the end of the 4th hour of work, and each four hours of work or major fraction thereof.

Further, on days when Mr. Castro-Navarro and the Aggrieved Employees work longer shifts, of 10 hours or more, Mr. Castro-Navarro and the Aggrieved Employees are not authorized to take a 2nd meal period before the 10th hour of work. As a result, Mr. Castro-Navarro and the Aggrieved Employees are not provided with duty-free, uninterrupted, and timely second 30-minute meal periods by the end of the 10th hour of work.

As outlined herein, Mr. Castro-Navarro and the other Aggrieved Employees are not compensated for all hours worked and are not paid premium payments for missed meal and rest periods. Pearce's violative policies and practices result in non-compliant wage statements. Among other things, the wage statements Pearce provides fail to accurately reflect the total hours worked, gross wages earned, net wages earned, and/or premium pay owed. Therefore, Mr. Castro-Navarro and the other Aggrieved Employees do not receive accurate, itemized wage statements as required under the Labor Code.

Finally, as a consequence of Pearce's failure to pay all wages (including straight time wages, overtime wages, double time wages, and premium pay) owed, Mr. Castro-Navarro and the other Aggrieved Employees do not receive all wages owed during employment. As such, Mr. Castro-Navarro and the other Aggrieved Employees who are Pearce's former employees (Mr. Castro-Navarro terminated his employment with Pearce in June 2024) did not receive all wages owed following separation from employment in violation of the Labor Code.

Mr. Castro-Navarro is represented by Josephson Dunlap, LLP, a law firm based in Houston, Texas. Josephson Dunlap, LLP has extensive experience in the successful litigation and resolution of employment and representative actions around the country. A description of the work, mission, and credentials of the firms can be found at www.mybackwages.com. Mr. Castro-Navarro and his counsel are committed to zealously pursuing redress on behalf of the State of California and all other similarly situated employees for the violations and civil penalties set forth above.

If I can be of any assistance, please do not hesitate to contact me. We would appreciate hearing from the LWDA at its earliest convenience, and we thank you for your careful consideration of this matter.

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Sincerely,



William M. Hogg (SBN 338196)

JOSEPHSON DUNLAP LLP

11 Greenway Plaza, Suite 3050

Houston, Texas 77046

Tel: (713) 352-1100

Fax: (713) 352-3300

whogg@mybackwages.com

CC via Certified Mail:

Pearce Services, LLC

c/o: CSC-Lawyers Incorporating Service

2710 Gateway Oaks Drive

Sacramento, California 95833