



STATE OF CALIFORNIA  
Labor & Workforce Development Agency

GOVERNOR Gavin Newsom • SECRETARY Stewart Knox

Agricultural Labor Relations Board • California Unemployment Insurance Appeals Board  
California Workforce Development Board • Department of Industrial Relations  
Employment Development Department • Employment Training Panel • Public Employment Relations Board

April 16, 2025

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**Certified Mail**

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**Re: *Jacqueline Vodden v. Ernest Pierson Co. dba Pierson Building Center***  
**Case No. LWDA-CM-1069115-24**

Notice Re: Employer Cure Not Selected for Conference

On April 3, 2025, and pursuant to Labor Code section 2699.3, subdivision (c)(2)(A), respondent Ernest Pierson Co. dba Pierson Building Center submitted to the Labor and Workforce Development Agency (LWDA) a proposal to cure violations alleged in an amended Private Attorneys General Act (PAGA) notice filed on behalf of claimant Jacqueline Vodden. LWDA's PAGA Unit has reviewed respondent's cure proposal and has determined not to select this matter for conference on grounds respondent has not proposed a facially sufficient cure. (Lab. Code, § 2699.3, subd. (c)(2)(B).)

Claimant filed a PAGA notice on December 23, 2024, against respondent, her former employer. Following the submission of a timely proposal to cure alleged violations, the LWDA PAGA Unit determined claimant's PAGA notice did not satisfy administrative notice requirements and, on February 5, 2025, directed claimant to file an amended PAGA notice. Claimant did so on February 25. Claimant's amended PAGA notices alleges overtime, minimum wage, meal and rest period, and business reimbursement violations, as well as derivative recordkeeping, sick pay calculation, timely pay, separation pay, and wage statement violations.<sup>1</sup>

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<sup>1</sup> Claimant also alleges a failure to provide suitable seating.

On April 3, respondent submitted a proposal to cure violations, but alleges it is unable to respond specifically to claimant's amended PAGA notice because it "does not offer meaningful clarification" in terms of the alleged violations. However, as respondent acknowledges, claimant's amended PAGA notice omits many allegations included in the original notice. And, although the amended notice retains a lot of boilerplate from the original template and does not include headers or other section demarcations to more easily identify the separate claims, the amended notice does include some specific facts supporting the violations claimant alleges. For example, claimant alleges:

- Failure to pay overtime wages and required minimum wages as a result of claimant being required "to make or receive phone calls off the clock," or failing "to pay for all time clocked in ... because of, although unclear from the time and pay records shown, editing and/or manipulation of time entries to show less hours than actually worked" (pp. 1-2);
- Failure to provide required meal periods "due to walking time; time spent having to wait in line to clock back in; having to retrieve and store personal belongings during the meal period; requiring that employees carry cellular telephones or walkie-talkies during meal periods; not permitting employees to leave the premises; otherwise requiring on-duty/on-call meal periods; and auto-deducting meal periods that could not be auto-deducted by law or during which employees worked" (p. 3);
- Failure to provide required rest periods "due to walking time; having to retrieve and store personal belongings during the rest period; requiring that they be bundled together and/or with meal periods; interrupting them; requiring that employees carry cellular telephones or walkie-talkies during rest periods; not providing rest periods in a timely fashion; and not permitting employees to leave the premises; and otherwise requiring on-duty/on-call rest periods" (p. 3); and
- Failure to reimburse employees "with their costs incurred for the purchase and maintenance of cellular phones and cellular phone plans" (p. 5).

These facts as alleged by claimant adequately define the scope of the violations alleged.

No determination is made concerning the violations alleged by claimant or respondent's contentions disputing them. Nor is any determination made regarding the sufficiency of the compliance measures taken by respondent, including for the purpose of reducing potential civil penalties recoverable in the event a civil action is commenced. (Lab. Code, § 2699, subds. (g), (h).) Nothing herein should be understood to preclude respondent from requesting early

evaluation in the event a civil action is commenced. (Lab. Code, § 2699.3, subd. (f)(14).)

Sincerely,



Todd M. Ratshin  
Deputy Secretary for Enforcement

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