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**WRITERS EXT:
1009**

**March 31, 2026
CA3837**

VIA ONLINE FILING TO LWDA AND CERTIFIED MAIL TO DEFENDANT

Labor and Workforce Development Agency Online Filing	ECOLAB PRODUCTION LLC Amanda Garcia CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
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Re: Notice Of Violations Of California Labor Code Sections §§ 204, 210, 226(a), 226.7, 246, 510, 512, 558(a)(1)(2), 1194, 1197, 1197.1, 1198, 2802, California Code of Regulations, Title 8, Section 11040, Subdivision 5(A)-(B), Violation of the applicable Industrial Welfare Commission Wage Order(s) brought Pursuant To California Labor Code Section 2699.5.

Dear Sir/Madam:

This letter serves as a written notice under California Labor Code Section 2699.3 on behalf of Jessica Berge (“Plaintiff”) and all other Aggrieved Employees of Ecolab Production LLC (“Defendant”). “Aggrieved Employees” refers to all individuals who are or previously were employed by Ecolab Production LLC in California, including any employees staffed with Ecolab Production LLC by a third party, and classified as non-exempt employees during the time period of March 31, 2025 until a date as determined by the Court (“PAGA Period”).

Our offices represent Plaintiff and other Aggrieved Employees in a lawsuit against Defendant. Plaintiff has been employed by Defendant in California since August of 2025. Plaintiff has at all times been classified by Defendant as a non-exempt employee, paid on an hourly basis, and entitled to the legally required meal and rest periods and payment of minimum and overtime wages due for all time worked. Plaintiff alleges, however, that Defendant has violated the law as it relates to providing compliant meal and rest breaks, paying Plaintiff and other Aggrieved Employees for all time worked, including minimum and overtime wages and sick pay wages, providing accurate wage statements and reimbursing Plaintiff for business related expenses.

Plaintiff’s job title is Logistics Associate. Plaintiff’s job duties include operating a fork lift to move chemicals, usually between 1 and 300 gallons, at Defendant’s warehouse

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located at 531 E. Central Ave., San Bernardino, CA 92408. Plaintiff's typical work shift is 9:30 p.m. to 6 a.m., Sunday through Thursday.

Throughout Plaintiff's employment with Defendant and during the PAGA Period there have been numerous California Labor Codes that have been violated. For example, pursuant to Labor Code § 204 & 210, Defendant fails to timely provide Plaintiff and other Aggrieved Employees with their wages. The violations by Defendant occur as a result of failing to pay meal and rest break penalties and the failure to pay for all the off the clock work described below.

Plaintiff's meal breaks and rest breaks have periodically been interrupted by work related issues in violation of Cal. Labor Codes Section 226.7, 512 & 1198. For example, during Plaintiff's meal breaks, Joe Watt, one of Plaintiff's former supervisors, would come up to her and other Aggrieved Employees in the break room, pull up a chair, and ask them a series of work related questions, such as whether there was anything wrong with the forklifts, had they seen any damage in the warehouse, whether anyone was driving their forklift unsafely, or whether there were any days they wanted to request off of work. Moreover, on at least one occasion, Plaintiff missed her meal break entirely. Specifically, Plaintiff reported damage at a location in the warehouse and in response Defendant required her to leave the facility in order to take a drug test at a nearby Concentra clinic and then come back after that was complete. She missed her meal break entirely that day. With respect to rest breaks, they were also interrupted by supervisor [REDACTED] interacting with Plaintiff and other Aggrieved Employees as to work-related issues. Plaintiff's rest breaks have also been cut short due to the shoddy nature of the electronic tablets used by Defendant to track and/or monitor Plaintiff and other Aggrieved Employees. Plaintiff's and other Aggrieved Employees' rest breaks from time to time only last 7-8 minutes. In other words, even though rest breaks are paid, Defendant nonetheless requires Plaintiff and other Aggrieved Employees to notify the system when they are on and off a rest break. From time to time, in order for Plaintiff and other Aggrieved Employees to notify the system they are back to work, it is necessary to begin the process a few minutes early which cuts off the ability to take full 10-minute rest breaks. Defendant has failed to record and pay Plaintiff and other Aggrieved Employees for all the non-compliant meal and rest breaks they suffered and continue to suffer during the PAGA Period.

Additionally, Plaintiff and the Aggrieved Employees are hourly paid employees. Therefore, Defendant's wage statements should reflect all appropriate hourly rates during the pay period and the proper regular and overtime wages earned. Defendant fails to provide accurate wage statements to Plaintiff and other Aggrieved Employees, in violation of California Labor Code section 226(a). Plaintiff alleges the wage statements are inaccurate because, for example, they do not include all actual time worked, such as the time Plaintiff has spent off the clock interacting with her supervisor in violation of

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California Labor Code section 226(a)(2). It should be noted that while [REDACTED] has not worked for Defendant since December of 2025, between December of 2025 and March 1, 2026, Defendant's supervisors advised Plaintiff and other Aggrieved Employees that if they have any work-related issues or problems they would like to discuss, they should do so during their rest breaks or while off the clock during their meal breaks. Plaintiff also receives and reviews work-related emails while off the clock. Moreover, the "Workday" app on her cell phone sends Plaintiff various notifications throughout the day and while she is off the clock. For example, the "Workday" app notifies Plaintiff and other Aggrieved Employees when their time card is approved or when the next day's work schedule will vary in some way. Indeed, while at the movies and off the clock, Plaintiff was notified by Defendant that she would be watching training videos the next day instead of working the forklift. All of this work done off the clock has resulted in unpaid minimum and overtime wages in violation of California Labor Code Sections 510, 1194, 1197 & 1198.

Defendant also fails to include all non-discretionary compensation into the regular rate for purposes of calculating Plaintiff's correct overtime and sick pay rate during certain pay periods resulting in violations of Labor Code Sections 246 and 510. For example, during the PAGA Period Plaintiff received a performance based bonus referred to as "**NE Bonus**" which was not factored into Plaintiff's regular rate. The bonus is non-discretionary and paid on a monthly basis if certain work performance thresholds are met. Plaintiff alleges the failure to include the bonus payment into Plaintiff's regular rate resulted in an underpayment of overtime during that pay period. Plaintiff also received wages for attending mandatory training sessions referred to as "**Health and Safe**" but these payments also were not factored into Plaintiff's regular rate and resulted in an underpayment of overtime in certain pay periods during the PAGA Period.

Plaintiff was also not reimbursed for business related expenses that she incurred as a result of her job duties for Defendant in violation of Cal. Lab. Code Section 2802. As set forth above, Plaintiff uses her cell phone for work-related purposes but is not reimbursed the reasonable expenses she has incurred. For example, Plaintiff uses her personal cell phone to check work emails and to use the "Workday" app.

This notice is provided to enable Plaintiff to proceed with a Complaint against Defendant as authorized by California Labor Code section 2699, *et seq.* The lawsuit will consist of other Aggrieved Employees. As counsel, our intention is to vigorously prosecute the claims, and to procure civil penalties as provided by the Private Attorney General Statute of 2004 on behalf of Plaintiff and all Aggrieved Employees.

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If you have any questions or concerns, please do not hesitate to contact me at the above number and email address.

Respectfully,

/s/ Ricardo Ehmann

Ricardo R. Ehmann, Esq.