

EXHIBIT 2



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July 12, 2024

VIA ONLINE FILING

Labor & Workforce Development Agency

Website: <https://dir.tfaforms.net/116>

Email: PAGAfiling@dir.ca.gov

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ecolab Production LLC

Attn: CEO and/or President

1 Ecolab Place

St. Paul, MN 55102

Re: Silverio Perez v. Ecolab Production LLC, et al.

**NOTICE PURSUANT TO LABOR CODE SECTION 2699.3, et seq.; VIOLATIONS OF
LABOR CODE SECTIONS 201, 203, 226, 226.7, 510, 512, and 1194 BY ECOLAB
PRODUCTION LLC**

To: California Labor and Workforce Development Agency; Ecolab Production LLC

From: Silverio Perez, on behalf of all aggrieved employees as defined below

This letter is intended to comply with the requirements of California Labor Code Private Attorneys General Act of 2004 (PAGA), California Labor Code section 2698, *et seq.*, including section 2699.3 with respect to notice of violations of the Labor Code and Wage Order by Ecolab Production LLC (hereinafter “Respondents”). Unless the Labor & Workforce Development Agency proceeds against Respondents, Silverio Perez (“Claimant”), intends to file against Respondents to add a PAGA cause of action on his behalf and on behalf all other “aggrieved employees” that seeks civil penalties, costs, and attorney fees under PAGA.

Please note that this firm represents the interests of Claimant and:

all other current and former California hourly non-exempt employees of Respondents who did/do work as warehouse distribution employees within the relevant time period. (“aggrieved employees”).

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Claimant is informed, believes and thereon alleges that Respondents subjected him and the aggrieved employees to its common compensation plan that failed to pay the full amount of overtime and double time wages for all hours worked. Claimant is informed and believes that Respondents failed to provide him and the aggrieved employees the requisite number of timely off-the-clock meal periods of not less than thirty (30) minutes for shifts lasting longer than five (5) and (10) hours without exemption. Claimant is informed and believes that Respondents failed to provide him and the aggrieved employees the requisite number of non-captive paid rest periods in shifts of four (4) hours or greater, such that Respondents did not provide him and other aggrieved employees ten (10) minute rest breaks and/or work free of interruption for every four (4) hours worked, or major fraction thereof. Claimant further contends that Respondents failed to provide him and other aggrieved employees accurate itemized wage statements with the total hours worked, correct gross wages earned, net wages earned, the applicable hourly rates at the corresponding hours worked, and listing the meal and rest period premium payments. Claimant also alleges that Respondents failed to pay all earned unpaid wages at termination to aggrieved employees whose employment terminated with Respondents.

Claimant alleges that Respondents violated Labor Code §§201, 203, 226, 226.7, 510, 512, and 1194, in addition to claims under the Business and Professions Code §17200, *et seq.* Claimant further alleges that Respondents violated IWC Wage Order No. 5-2001 (“WO 5-01”).

Claimant performed work for Respondents as a California based hourly non-exempt warehouse distribution employee during the relevant time period.

Claimant is informed, believes and thereon alleges that he and the aggrieved employees regularly worked more than eight (8) hours in a day or forty (40) hours per work week, and worked in excess of twelve (12) hours per day, for Respondents without receiving the full amount of overtime and double time compensation. Respondents have failed to pay Claimant and the aggrieved employees’ overtime and double time compensation earned from uncompensated non-duty-free meal periods. As a result, Respondents underpaid Claimant and the aggrieved employees. Pursuant to Labor Code §§510, 1194, and the WO 5-01, Claimant and the aggrieved employees are entitled to these unpaid wages.

Claimant is informed, believes and thereon alleges that Respondents failed to provide the requisite number of timely duty-free meal periods for shifts lasting longer than five (5) hours and ten (10) hours, without exemption, in violation of Labor Code §§512 and 226.7 and WO 5-01. Claimant is informed and believes that Respondents failed to provide him and the aggrieved employees the requisite number of timely off-the-clock meal periods of not less than thirty (30) minutes per five (5) and (10) hours worked without exemption. Respondents failed to provide meal period premium payments at the regular rate of pay.

Claimant further alleges that Respondents failed to provide compliant paid, ten (10) minute rest periods to him and the aggrieved employees in violation of Labor Code §§512 and 226.7 and WO 5-01 without exemption. Respondents failed to provide paid rest periods for every four (4) hours, or major fraction thereof, by failing to provide captive-free paid ten (10) minute rest periods

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for every four (4) hours worked or major fraction thereof without exemption. Respondents failed to provide rest period premium payments at the regular rate of pay.

The wage statements provided by Respondents to Claimant and other aggrieved employees failed to provide accurate information as to the gross wages earned, net wages earned, the applicable hourly rates at the corresponding hours worked, listing the meal and rest period premium payments, and the total hours worked, in violation of Labor Code §226.

Moreover, Claimant is informed and believes and alleges that Respondents violated Labor Code §§201, 203 by failing to pay him and other aggrieved employees all earned wages, including but not limited to, the full amount of overtime and double time wages at the correct regular rate of pay, meal period premiums, and rest period premiums. As a result, Respondents did not pay Claimant and other aggrieved employees all earned wages at the time of separation and the same are entitled to waiting time penalties pursuant to Labor Code §203.

Please advise if the LWDA has any objection to our client filing a PAGA cause of action to seek any and all appropriate civil penalties for these underlying factual allegations and Labor Code violations, pursuant to Labor Code §2699, *et seq.*

Very truly yours,
THE MYERS LAW GROUP, A.P.C.



Andriana N. Bravo, Esq.
Attorneys for Silverio Perez and the aggrieved employees