

March 17, 2023

Amendment to DLSE Wage Claim

WC-CM-890340 filed 6/20/22 Via Facsimile and/or email

RETALIATION under Labor Code section 230(e)

My wage complaints were brought to the attention of Brooke Tyrrell and Chris Jenkins, employees of Adams & Martin dba Roth Staffing and Williams Lea, as part of the Adams & Martin-Williams Lea-Robert Half International-Activision contractual agreements. All four companies were joint employers of Geary J. Johnson.

I first brought the issue work supplies to the attention of Brooke Tyrrell via email April 29, 2002 at 11:10 p.m. Brooke recognized she received the email but gave no response to the specific issues. On June 20, 2022, I emailed Brooke at 8:39 pm with a copy of the wage claim summary report and the claim number.

Brooke said she relayed the information to Chris Jenkins and Chris said he talked with Leslie who I believe was a Robert Half International employee. Emails or conversations went back and forth between myself, Brooke, and Chris until I was told I would receive some reimbursement for using my car and cell phone. Via my email recall about the talk with Chris, and based on one email response from Brooke, both said after they received news of my labor claims, that I could be removed from the position, Brooke claiming in response to my charges and Chris my assignment would end when a worker returned. I emailed back that I believed this to be retaliation. I was discharged from the position on July 13, 2022 around 12 noon. I did receive some reimbursements for use of the cell phone and car, such monies received after June 20, 2022. However I never received a company cell phone before my discharge from employment.

I believe I was discharged from the position due to retaliation because I complained, a violation of labor code section 230(e). All four companies participated in directly or indirectly supervising my duties. I request damages for violation of labor section 230(e).

VIOLATION LABOR CODE SECTION 98.6

1. Protects an employee filing or threatening to file a claim or complaint with the Labor Commissioner, instituting or causing to be instituted any proceeding relating to rights under the jurisdiction of the Labor Commissioner, or testifying in any such proceeding, complaining orally or in writing about unpaid wages, or for exercising (on behalf of oneself or other employees) any of the rights provided under the Labor Code or Orders of the Industrial Welfare Commission, including, but not limited to, the right to demand payment of wages due, the right to express opinions about, support or oppose an alternative workweek election, or the exercise of any other right protected by the Labor Code. In addition to other remedies that might be available, a civil penalty of up to \$10,000 may be awarded to an employee for each violations.

2. The email copies provided to the DLSE show that I engaged in filing or threatening to file a claim or complaint with the Labor Commissioner, instituting or causing to be instituted any

proceeding relating to rights under the jurisdiction of the Labor Commissioner, or testifying in any such proceeding, complaining orally or in writing about unpaid wages, or for exercising (on behalf of oneself or other employees) any of the rights provided under the Labor Code or Orders of the Industrial Welfare Commission. My labor complaints were made to the four companies engaged in the agreement with Activision.

I request a civil penalty of \$10,000 be awarded under Labor Code section 98.6 for each violation that occurred namely the five violations: failure to provide company phone, failure to provide company vehicle, retaliatory discharge, refusal to indemnify, and violation wage order 4-2001. Total \$50,000.00. (fifty thousand dollars).

VIOLATION OF LABOR CODE SECTION 2802

I requested by email that Roth Staffing indemnify and defend me against charges brought by Robert Half International. At the time I did not fully realize that Roth Staffing was under contract to Robert Half International. Via email, Brooke wrote that Roth staffing would not indemnify me, a violation of labor code section 2802. The auto payments, insurance payments, registration auto, and other related expenses as detailed in the Complaint, are “ necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties, or of his or her obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying the directions, believed them to be unlawful.” I will provide proof of the auto payments, insurance payments, and cell phone costs for those months. In addition, emails show that I did request the auto payments, auto insurance, and cell phone service from the Respondent.

VIOLATION OF WAGE ORDER COMMISSION ORDER 4-2001

I also assert there was a violation of the California's Industrial Welfare Commission Order No. 4-2001 (which) requires employers who require their employees to use tools or other equipment to perform their hired duties to either provide the necessary tools or equipment or pay their employees double the minimum wage. This statute is commonly known as the Double Minimum Wage Law. The minimum wage is the minimum amount that an employer can legally pay its employees. The federal minimum wage is \$7.25 per hour, but this amount varies from state to state. In California, the state minimum wage is \$14.00 per hour for companies with less than twenty-five employees and \$15.00 per hour for companies employing 26 or more employees. The employers in this case never provided the necessary tools and never provided double the minimum wage. My pay during the time period in question was \$18.00 per hour 40 hour week with a few hours of overtime. The pay owed would be \$30.00 per hour minus \$18 = \$12 per hour x 804 hours = \$9648.

If the complaint cannot be amended, please advise and I will file a new complaint.



Geary J. Johnson