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11	o.e. commonteations, inc.	
12	UNITED STAT	TES DISTRICT COURT
13	NORTHERN DIS	TRICT OF CALIFORNIA
14	DESIDERO SOTO, STEVEN STRICKLEN, STEEVE FONDROSE,	Case No. 3:17-cv-00251-VC
15	LORENZO ORTEGA, and JOSE FARIAS, JR., on behalf of themselves and all others	ASSIGNED FOR ALL PURPOSES TO JUDGE VINCE CHHABRIA
16	similarly situated,	DECLARATION OF STEVE FAZIO IN
17 18	Plaintiffs, v.	SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT
19	O.C. COMMUNICATIONS, INC,	SET TEMPERAT
20	COMCAST CORPORATION, and COMCAST CABLE	Deter
21	COMMUNICATIONS MANAGEMENT, LLC,	Date: Time: Dept:
22	Defendants.	
23		
24		
25		
26		
27		
28		
LITTLER MENDELSON, P.C. 500 Capitol Mall Suite 2000 Sacramento, CA 95814 916.830,7200	DECLARATI	ON OF STEVE FAZIO

LITTLER MENDELSON, P.C. 500 Capitol Mail Suite 2000 Sacramento, CA 95814 916.830.7200 I, Steve Fazio, declare as follows:

- 1. I am employed by Defendant O.C. Communications, Inc. ("OCC") as its Vice President of Human Resources. Unless otherwise stated, the following declaration is based on my personal knowledge or upon my review of OCC's records maintained in the ordinary course of business. If called upon to do so, I could and would testify competently as to the information contained herein.
- 2. I have been the Vice President of Human Resources at OCC since January 2016. During the first five to six months of my employment with OCC, I worked closely with Karen Conrad, the prior Director of HR, to learn OCC's policies, procedures, and practices, especially with respect to its human resources functions. My responsibilities as the VP of HR include the oversight of all of OCC's human resources employees and functions. I also have basic high-level knowledge of OCC's operations nationwide.
- 3. My job duties including broad oversight over OCC's orientation and on-boarding process, as well as employee training on OCC's policies. The onboarding process is typically either handled by either one of OCC's corporate human resources employees, such as former Administrative Assistant Kimberly Herendeen (née Pearce) if the employee is being hired in the Sacramento area, or a local manager responsible for the particular warehouse where the employee is being hired. Kacey Clark, our HR Generalist, handles the onboarding process for new hires in the Everett, Washington region, and maintains the personnel files for OCC's employees in Washington, Arizona, and Utah. Regardless of who handles the onboarding process, that employee is responsible for confirming that the new hire has reviewed and signed all of OCC's new hire paperwork, including an Employee Handbook.
- 4. OCC has an Employee Handbook that sets forth its lawful written policies and procedures in each state where it currently operates. Each employee is required to sign an Acknowledgment & Agreement which confirms that they received a copy of OCC's Employee Handbook, have read and understand each of the policies in the Handbook, and agree to abide by the Company's policies. OCC has lawful written policies that:
 - Require overtime to be paid at the proper rate;
 - Prohibit off the clock work;

- Authorize and permit Technicians to take timely first and second meal periods, as required under applicable state law;
 - Authorize and permit Technicians to take all legally mandated rest breaks; and
- Permit Technicians to be reimbursed for all reasonable and necessary business expenses, as provided under applicable state law.
- 5. In addition to acknowledging these handbook policies, OCC's California Technicians also sign a separate document entitled "Recording of Time Worked and Meal Breaks," which reiterates the Technicians' duties regarding accurately recording their time and taking their lunch breaks.
- 6. During the orientation process, OCC repeatedly stresses the importance of taking meal periods and rest breaks. This continues in the field, where Technicians are frequently reminded by their supervisors to take timely meal periods and rest breaks. Technicians are even reminded that they can stop mid-job and take a meal period, and to tell the customer that they are following California law when doing so. Based on communications from customers, this has happened in practice on numerous occasions of which I am aware.
- 7. I am also familiar with OCC's timekeeping systems and wage and hour policies. Approximately six months after this lawsuit was filed, OCC began using an electronic program to allow Technicians to record their worktime, jobs completed, and meal breaks (if meal breaks are required under applicable state law). Under this system, only the Technician that filled out an electronic time card is permitted to make any edits thereto, and a record of all edits is kept by OCC.
- 8. OCC has also updated its payroll process since the filing of this lawsuit. Technicians' time records are automatically reviewed for any non-compliant (i.e., late, short, or missed) meal periods, and a meal period premium of one hour's pay is automatically added to the employee's compensation. The system also ensures that the Technician's non-productive time is paid at a rate at least equal to the applicable minimum wage in the locality in which the Technician was working.
- 9. During the applicable limitations period, OCC began using a "dynamic" dispatch system called TechNet. The system notifies Technicians of their first couple appointment windows, and then assigns additional appointments throughout the day based on Technicians' location and availability. If a Technician's job takes longer than expected to complete, the dispatch system

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compensates by assigning the Technician appointment windows that start later. Technicians are trained
to mark themselves as unavailable in TechNet during their meal periods, during which time the
dispatch will not assign them any appointments to ensure that Technicians have time to take their
lunch break.
10. In 2018, OCC reformatted its wage statements in California. A copy of the new wage
statements is attached as Exhibit "A." OCC's current wage statements lists all of the following:
a. the gross wages earned;
b. the total hours worked;
c. the number of piece rates earned, and the applicable rate for each unit;
d. all deductions;
e. the net wages earned;
f. the pay period;
g. the employee's name and identification number;
h. OCC's name and address;
i. the hours worked at each hourly rate in effect during the pay period;
j. the total hours of rest breaks and the rate at which the rest break time is
separately paid; and
k. the total hours of non-productive time.
I declare under penalty of perjury under the laws of the State of California and the United
States of America that the foregoing is true and correct.
Executed this May of April, 2019 at Elk Grove, California.
Steve Fazio
FIRMWIDE:163249261.3 092551.1001

LITTLER MENDELSON, P.C. 500 Capitol Mell Suite 2000 Sacremento, CA 95814 916.830.7200

EXHIBIT A

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O.C. COMMUNICATIONS, INC. 2204 KAUSEN DRIVE, SUITE 100 ELK GROVE, CA 95758

PAYS	Hours	Rate	\$ This Pay	\$ YTD
Non Productive Time	33.87	11.00	372.57	372.57
Overtime Premium	11.52	5.50	63.36	63.36
Overtime Premium	16.55	6.18	102,28	102,28
Piece Work			748,39	748,39
Rest Break Compensation	1.50	11.00	16.50	16,50
Rest Break Compensation	1.83	12.36	22.62	22.62
Minimum Wage Supplement	29.09	0.61	17,61	17.61
Hourly				17,093.54
Hourly Double Time				265.01
Hourly Overtime				9,679.16
Missed Meal Break				36.45
PTO Paid				3,188.29
OTHER	Hours	Rate :	This Pay	S YTD
PTO Hours Accrued	3.63			
PTO Lifetime	15,60			
OTHER INFORMATION	Hours	Rate	This Pay	\$ YTD
Total Hours	100,07			

	Period Begin Date	10/21/2018
	Period End Date	11/3/2018
CiI O4 05000	Gross Pay	1,343.33
Stockton CA 95206	Deductions	112,19
SSN: XXX-XX-	Employee Taxes	264.99
	Net Pay	966,15
Direct Deposit	\$ This Pay	\$ YTD
Direct Deposit Net	966.15	21,176,17
	966.15	21,176.17
DEDUCTIONS	\$ This Pay	S YTD
401k Deduction	94.03	2,048,53
Dental EE	13,72	315.56
Vision EE	4.44	102,12
Country and a transport of the country of the count	112.19	2,466.21
TAXES	\$ This Pay	\$ YTD
California SDI - Employee	13.25	288.05
California SWH	27,03	570.99
Federal Withholding	123.33	2,728.22
FICA - Medicare	19.22	420.98
FICA - Social Security	82.16	1,800,04
	264.99	5,808.28

D Inv	Units	Rate	(ID Inv	Units	Rate	ID Inv	Units	Rate	ID Inv	Units	Rate	ID Inv	Units	Rate
R.N.2. 398338	1	13.97	R.Q.2. 504731	1	19.49	R.R.7. 568550	1	3.83	•				G.III.G	Marc
R.S.1, 398338	1	4.59	R.A.1. 524350	1	7.27	R.S.1, 568550	1	4,59						
.C.5. 398338	1	4.79	E.A.10. 524350	1	2.68	E.C.5, 568550	1	4.79						
R.N.2, 398379	1	13.97	E.C.5. 524350	1	4.79	R.S.1, 571012	3	4.59						
R.S.1. 398379	1	4.59	R.S.2. 530347	3	1.72	E.B.5. 571012	3	3.83						
.C.5. 398379	1	4.79	E.B.5, 530347	2	3.83	R.F.4. 571012	1	18.95						
t.S.1、400059	2	4.59	R.J.4. 530347	1	13.21	R.S.2. 571012	1	1,72						
l.J.4. 400059	1	13,21	E.C.5, 530347	1	4.79	E.C.5, 571012	1	4,79						
.R.7. 400059	1	3.83	R.A.1, 533601	1	7.27	R.R.6. 571012	1	2.87						
.B.5. 400059	1	3.83	E.A.10, 533601	1	2.68	E.A.10, 571012	1	2.68						
.C.5. 400059	1	4.79	R.Q.2. 536262	1	19.49	R.Q.2. 578192	1	19.49						
.S.1. 469186	4	4.59	R.Q.2. 537058	1	19.49	R.Q.2. 579865	1	19.49						
.B.5. 469186	3	3.83	R.A.1. 538020	1	7.27	R.Q.2. 586313	1	19.49						
.J.2. 469186	1	13,97	E.A.10, 538020	1	2.68	R.A.1. 597187	1	7,27						
.C.5. 469186	1	4.79	R.T.2. 539169	1	5.74	E.C.5. 597187	1	4.79						
.N.4. 482433	1	13.21	R.Q.2. 540847	1	19.49	R.N.4. 602137	1	13.21						
.S.1. 482433	1	4.59	R.Q.2. 547296	1	19.49	R.S.2. 602137	1	1.72						
.C.5, 482433	1	4.79	R.T.2. 547794	1	5.74	E.C.5. 602137	1	4.79						
.Q.2. 485807	1	19,49	R.Q.2, 551615	1	19,49	R.T.2. 603253	1	5.74						
.S.1. 492133	2	4.59	R.N.4. 560928	1	13.21	R.T.5. 607988	1	5.74						
.J.4. 492133	1	13.21	R.S.1. 560928	1	4.59	R.N.2. 613263	1	13.97						
.B.5. 492133	1	3.83	E.C.5, 560928	1	4.79	R.S.1. 613263	1	4.59						
.C.5. 492133	1	4.79	R.Q.2. 566829	1	19.49	E.C.5. 613263	1	4.79						
.A.10. 492133	1	2.68	R.S.1. 567000	2	4.59									
.Q.2. 497746	1	19,49	E.A.10, 567000	2	2.68									
.N.2. 498504	1	13.97	R.J.4. 567000	1	13.21									
S.1. 498504	1	4.59	E.B.5. 567000	1	3.83									
.C.5、498504	1	4.79	E.C.5, 567000	1	4.79									
CO.2. 498880	1	19 49	IR N.A. SERSEO	1	12 21									

11/10/2018

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