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10 Attorneys for Defendant  
O.C. COMMUNICATIONS, INC.  
11

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 DESIDERO SOTO, STEVEN  
STRICKLEN, STEEVE FONDROSE,  
15 LORENZO ORTEGA, and JOSE FARIAS,  
JR., on behalf of themselves and all others  
16 similarly situated,

17 Plaintiffs,

18 v.

19 O.C. COMMUNICATIONS, INC,  
COMCAST CORPORATION, and  
20 COMCAST CABLE  
COMMUNICATIONS MANAGEMENT,  
21 LLC,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No. 3:17-cv-00251-VC

ASSIGNED FOR ALL PURPOSES TO JUDGE  
VINCE CHHABRIA

**DECLARATION OF STEVE FAZIO IN  
SUPPORT OF MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

Date:  
Time:  
Dept:

1 I, Steve Fazio, declare as follows:

2 1. I am employed by Defendant O.C. Communications, Inc. (“OCC”) as its Vice President  
3 of Human Resources. Unless otherwise stated, the following declaration is based on my personal  
4 knowledge or upon my review of OCC’s records maintained in the ordinary course of business. If  
5 called upon to do so, I could and would testify competently as to the information contained herein.

6 2. I have been the Vice President of Human Resources at OCC since January 2016. During  
7 the first five to six months of my employment with OCC, I worked closely with Karen Conrad, the  
8 prior Director of HR, to learn OCC’s policies, procedures, and practices, especially with respect to its  
9 human resources functions. My responsibilities as the VP of HR include the oversight of all of OCC’s  
10 human resources employees and functions. I also have basic high-level knowledge of OCC’s  
11 operations nationwide.

12 3. My job duties including broad oversight over OCC’s orientation and on-boarding  
13 process, as well as employee training on OCC’s policies. The onboarding process is typically either  
14 handled by either one of OCC’s corporate human resources employees, such as former Administrative  
15 Assistant Kimberly Herendeen (née Pearce) if the employee is being hired in the Sacramento area, or  
16 a local manager responsible for the particular warehouse where the employee is being hired. Kacey  
17 Clark, our HR Generalist, handles the onboarding process for new hires in the Everett, Washington  
18 region, and maintains the personnel files for OCC’s employees in Washington, Arizona, and Utah.  
19 Regardless of who handles the onboarding process, that employee is responsible for confirming that  
20 the new hire has reviewed and signed all of OCC’s new hire paperwork, including an Employee  
21 Handbook.

22 4. OCC has an Employee Handbook that sets forth its lawful written policies and  
23 procedures in each state where it currently operates. Each employee is required to sign an  
24 Acknowledgment & Agreement which confirms that they received a copy of OCC’s Employee  
25 Handbook, have read and understand each of the policies in the Handbook, and agree to abide by the  
26 Company’s policies. OCC has lawful written policies that:

- 27 • Require overtime to be paid at the proper rate;
- 28 • Prohibit off the clock work;

- 1           • Authorize and permit Technicians to take timely first and second meal periods,  
2 as required under applicable state law;
- 3           • Authorize and permit Technicians to take all legally mandated rest breaks; and
- 4           • Permit Technicians to be reimbursed for all reasonable and necessary business  
5 expenses, as provided under applicable state law.

6           5. In addition to acknowledging these handbook policies, OCC's California Technicians  
7 also sign a separate document entitled "Recording of Time Worked and Meal Breaks," which reiterates  
8 the Technicians' duties regarding accurately recording their time and taking their lunch breaks.

9           6. During the orientation process, OCC repeatedly stresses the importance of taking meal  
10 periods and rest breaks. This continues in the field, where Technicians are frequently reminded by  
11 their supervisors to take timely meal periods and rest breaks. Technicians are even reminded that they  
12 can stop mid-job and take a meal period, and to tell the customer that they are following California  
13 law when doing so. Based on communications from customers, this has happened in practice on  
14 numerous occasions of which I am aware.

15           7. I am also familiar with OCC's timekeeping systems and wage and hour policies.  
16 Approximately six months after this lawsuit was filed, OCC began using an electronic program to  
17 allow Technicians to record their worktime, jobs completed, and meal breaks (if meal breaks are  
18 required under applicable state law). Under this system, only the Technician that filled out an  
19 electronic time card is permitted to make any edits thereto, and a record of all edits is kept by OCC.

20           8. OCC has also updated its payroll process since the filing of this lawsuit. Technicians'  
21 time records are automatically reviewed for any non-compliant (i.e., late, short, or missed) meal  
22 periods, and a meal period premium of one hour's pay is automatically added to the employee's  
23 compensation. The system also ensures that the Technician's non-productive time is paid at a rate at  
24 least equal to the applicable minimum wage in the locality in which the Technician was working.

25           9. During the applicable limitations period, OCC began using a "dynamic" dispatch  
26 system called TechNet. The system notifies Technicians of their first couple appointment windows,  
27 and then assigns additional appointments throughout the day based on Technicians' location and  
28 availability. If a Technician's job takes longer than expected to complete, the dispatch system

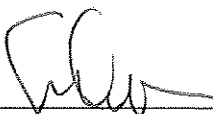
1 compensates by assigning the Technician appointment windows that start later. Technicians are trained  
2 to mark themselves as unavailable in TechNet during their meal periods, during which time the  
3 dispatch will not assign them any appointments to ensure that Technicians have time to take their  
4 lunch break.

5 10. In 2018, OCC reformatted its wage statements in California. A copy of the new wage  
6 statements is attached as Exhibit "A." OCC's current wage statements lists all of the following:

- 7 a. the gross wages earned;
- 8 b. the total hours worked;
- 9 c. the number of piece rates earned, and the applicable rate for each unit;
- 10 d. all deductions;
- 11 e. the net wages earned;
- 12 f. the pay period;
- 13 g. the employee's name and identification number;
- 14 h. OCC's name and address;
- 15 i. the hours worked at each hourly rate in effect during the pay period;
- 16 j. the total hours of rest breaks and the rate at which the rest break time is  
17 separately paid; and
- 18 k. the total hours of non-productive time.

19 I declare under penalty of perjury under the laws of the State of California and the United  
20 States of America that the foregoing is true and correct.

21 Executed this Sunday of April, 2019 at Elk Grove, California.

22  
23   
24 \_\_\_\_\_  
Steve Fazio

25 FIRMWIDE:163249261.3 092551.1001

# EXHIBIT A



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

Stockton CA 95206
SSN: XXX-XX-

Period Begin Date 10/21/2018
Period End Date 11/3/2018
Gross Pay 1,343.33
Deductions 112.19
Employee Taxes 264.99
Net Pay 966.15

Table with columns: PAYS, Hours, Rate, \$ This Pay, \$ YTD. Rows include Non Productive Time, Overtime Premium, Piece Work, Rest Break Compensation, etc.

Table with columns: Direct Deposit, DEDUCTIONS, TAXES, \$ This Pay, \$ YTD. Rows include 401k Deduction, Dental EE, Vision EE, California SDI - Employee, etc.

Table with columns: PIECE WORK, ID Inv, Units, Rate. Multiple columns of data listing various work units and rates.

11/10/2018

DD

966.15

\$966.15

\$966.15

\$0