

# Exhibit 2

**Wage Law Chart**  
*Soto, et. al v. O.C. Communications, Inc, et. al*  
**No. 3:17-cv-00251-VC**

<b>State<sup>i</sup></b>	<b>2.5 Hours of Time and a Half Pay Per Week</b>	<b>Meal/ Rest Break Penalties<sup>ii</sup></b>	<b>PAGA Penalties Per Biweekly Pay Period</b>	<b>Waiting Time Penalties<sup>iii</sup></b>	<b>Other Available Penalties</b>
<b>California<sup>iv</sup></b>	\$66.38	<i>Employers are liable one additional hour of pay at regular rate for each missed break period</i>	\$300 → \$600 <sup>v</sup>	<i>Wages owed to former employees at same rate for up to 30 days</i>	<i>\$50 → \$100 (Wage statement penalties per biweekly pay period)<sup>vi</sup></i>
<b>Washington</b>	\$66.38	<i>Washington law mandates meal &amp; rest breaks</i>	N/A	N/A	<i>Double or treble damages<sup>vii</sup></i>
<b>Oregon / FLSA</b>	\$66.38	<i>Oregon law mandates meal &amp; rest breaks</i>	N/A	<i>Wages owed to former employees at same rate for up to 30 days</i>	<i>FLSA double damages</i>
<b>Arizona / FLSA</b>	\$66.38	N/A	N/A	N/A	<i>Up to treble damages<sup>viii</sup></i>
<b>Utah / FLSA</b>	\$66.38	N/A	N/A	N/A	<i>2.5% of wages owed, assessed daily, for up to 20 days, in addition to FLSA double damages<sup>ix</sup></i>
<b>Florida / FLSA</b>	\$66.38	N/A	N/A	N/A	<i>FLSA double damages</i>

<sup>i</sup> Based on outreach analysis, Plaintiffs assume that they could reasonably prove 2.5 hours of off-the-clock time per week, along with two missed meal periods per week per Technician. Additionally, Plaintiffs' data analysis showed that the average pay rate for Technicians was approximately \$17.70 per hour and there was an average of approximately 85 hours of recorded work per pay period.

<sup>ii</sup> See Cal. Lab. Code § 512 & Cal. Lab. Code § 226.7(c) (“[i]f an employer fails to provide an employee a meal or rest or recovery period. . . the employer shall pay the employee one additional hour of pay at the employee’s regular rate of compensation for each workday that the meal or rest or recovery period is not provided”); Wash. Admin. Code 296-126-092 (mandating meal and rest breaks), Or. Admin. R. 839-020-0050 (mandating meal and rest breaks).

<sup>iii</sup> See Cal. Lab. Code § 203 (“If an employer willfully fails to pay . . . any wages of an employee who is discharged or who quits, the wages of the employee shall continue as a penalty from the due date thereof at the same rate until paid or until an action therefor is commenced; but the wages shall not continue for more than 30 days.”); Or. Rev. Stat. § 652.150 (“if an employer willfully fails to pay any wages or compensation of any employee whose employment ceases . . . then, as a penalty for the nonpayment, the wages or compensation of the employee shall continue from the due date thereof at the same hourly rate for eight hours per day until paid or until action therefor is commenced . . . [however,] [i]n no case shall the penalty wages or compensation continue for more than 30 days from the due date . . .”).

<sup>iv</sup> California also has provisions requiring a time and a half premium to be paid after eight hours of work per day, and a double time premium after 12 hours of work, required California to be allocated a higher settlement share than Washington. See Cal. Lab. Code § 510. After review of the facts and data that was produced, however, while California law is unique in this respect, the availability of per day overtime premiums do not justify differentiating between California and Washington in this case. The data reveals that the Technicians almost always worked more than forty hours per week (such that the assumed 2.5 hours per week would almost always be paid at a time and half rate), but that they did not frequently work

more than 12 hours per day. Of the overtime paid in California during the relevant time period, only 2% was paid at a double time rate. Accordingly, these additional damages have not been factored in to this model.

<sup>v</sup> The California Labor Code Private Attorneys General Act (“PAGA”) provides additional penalties in the form of “one hundred dollars (\$100) for each aggrieved employee per pay period for the initial violation and two hundred dollars (\$200) for each aggrieved employee per pay period for each subsequent violation.” *See* Cal. Lab. Code § 2699. Recovery under PAGA, however, is subject to certain administrative requirements that could present a barrier to recovery. *See generally* Cal. Lab. Code § 2699.3.

<sup>vi</sup> *See* Cal. Lab. Code § 226 (Aggrieved employee is entitled to recover the “greater of all actual damages or fifty dollars (\$50) for the initial pay period in which a violation occurs and one hundred dollars (\$100) per employee for each violation in a subsequent pay period . . .”).

<sup>vii</sup> Employers who willfully fail to pay wages owed are liable for double damages, *see* Wash. Rev. Code § 49.52.070, and under the Washington Consumer Protection Act, a court may, in its discretion, award up to three times the actual damages sustained – up to \$25,000 – for violations of state law prohibiting unfair methods of competition, *see* Wash. Rev. Code §§ 19.86.090 & 19.86.020.

<sup>viii</sup> A.R.S. §§ 23-355(A) and 23-356(A) (“ . . . the employee may recover in a civil action against an employer or former employer an amount that is treble the amount of the unpaid wages.”). Arizona law imposes certain barriers to recovery, such as a relatively short statute of limitations, *see, e.g., Redhair v. Kinerk, Beal, Schmidt, Dyer & Sethi, P.C.*, 218 Ariz. 293, 299, 183 P.3d 544, 550 (Ariz. Ct. App. 2008) (finding that one-year statute of limitation applied to claim for treble damages for unpaid wages under A.R.S. 23-355).

<sup>ix</sup> *See* Utah Code §34-28-9.5 (employee may be awarded amount equal to 2.5% of wages owed, assessed daily, for up to 20 days); *see also, e.g., Smith v. Batchelor*, 832 P.2d 467 (Utah 1992) (finding that plaintiff could recover under both FLSA and state wage payment law). However, recovery under Utah’s wage payment laws are subject to exhaustion requirements for certain categories of wage claims that are potentially applicable here. *See* Utah Code § 34-28-9.5.