



CALIFORNIA METALS COALITION

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LUNCH BREAK ACCOMMODATION RESULTS IN \$1.2 MILLION LAWSUIT

Timely Industries is like most CMC members. The metal company is a closely-knit network of employees that work and live in the Pacoima/Los Angeles area. The 190 employees at Timely are comprised of 52 immediate and 26 extended family members. They provide all Timely employees with **good health insurance, matching 401K, and a very flexible work schedule**. Materials are bought from USS Posco in Pittsburg (Northern California), finishing and die work are done in the Burbank area, and they recycle locally.

Tom Manzo, President, Timely Industries (*at right*) made sure his employees always got their breaks. When temperatures got hotter, afternoon breaks times were extended with ice cream. If a factory employee told Tom they wanted lunch at 10:00 or 10:30am, it would be arranged. Some workers may come in early and then go to school after work, and other employees who are parents could come in early so they can be home as their children arrived home from school.

But on December 27, 2016, things changed for Tom and Timely. A **disgruntled employee claimed to not have received lunch breaks at the “appropriate” time**. What ensued was a \$1.2 million lawsuit, and hundreds of thousands in attorney fees.



What is PAGA? California's **Private Attorney General Act (PAGA)** was passed in 2004 and allows employees to sue their employers for minor labor violations. This can include breaks, schedules, wage calculations, vacation time, sick leave, misclassification on paystubs, and more. What makes PAGA extremely costly is that **the employee can include violations suffered by other current and former employees**.

Learn From Timely at CMC Roundtables: CMC is going to be discussing PAGA lawsuits, and precautions you can take, at our upcoming **August Roundtables**. Tom Manzo has even offered to attend some of the events. You are also encouraged to visit <http://www.pagascam.com>, which was launched as an educational tool by Timely Industries. **CMC is currently exploring legal and regulatory changes to curb PAGA abuse**. But there are many entrenched special interests ready to fight back. With your support, CMC will be at the front lines of this critical issue. (*Learn more at <http://www.metalscoalition.com>*)