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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

KRIS HARDIE, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

BEST PARKING LOT CLEANING INC., a
Washington Corporation,

Defendants.

NO. 17-2-27730-4 KNT

**DECLARATION OF CHARLES
MARKUS**

I, **Charles Markus**, declare and say as follows:

1. I make the following declaration based on my own personal knowledge. I am over the age of 18 and am competent to testify on the matters presented in this declaration.

2. I worked for Best Parking Lot Cleaning INC. (“Best”) as a driver from approximately June 2016 to August 2016. I primarily worked for Best in King, Pierce, and Thurston county, including the City of Seattle.

3. While working for Best, I was a resident of Washington State. I currently live in Spanaway, WA.

4. During my employment with Best, I was paid on an hourly basis. I worked on both prevailing wage jobs and non-prevailing wage jobs.

1 5. While working prevailing and non-prevailing wage jobs, there were times Best
2 did not pay me according to how they billed. For instance, Best had a policy that required a
3 contractor to pay for at least two hours of work even if the job took less than two hours. On a
4 day that I worked 12 hours total, 11 hours were non-prevailing wage work, and 1 hour was
5 prevailing wage work. But to bill for the two hours of prevailing wage work, Best told me to
6 report 10 hours as non-prevailing wage work and two hours as prevailing wage work. Best
7 would bill the contractors for two hours of prevailing wage work even though I did not work
8 two hours, nor paid for two hours of prevailing wage work.

9 6. Best did not provide me with 10 minute rest breaks. I understand that under
10 Washington law, I am entitled to an uninterrupted 10 minute rest break for every four hours of
11 work where I am relieved of all my work related duties. Throughout my time working at Best,
12 for every four hours that I worked I never took any rest breaks.

13 7. Best made no effort to arrange my schedule to ensure that I received a paid rest
14 break of at least ten minutes for every four hours that I worked. Best failed to instruct me to
15 take proper rest breaks at all during my employment. Moreover, I am unsure whether Best paid
16 me extra compensation for my missed rest breaks. There was no policy or procedure in place
17 for me to inform Best of missed rest breaks.

18 8. Best also did not provide me with meal breaks. I was frequently required to end
19 meal breaks early due to the nature of my work and often I was unable to take a meal break at
20 all. There is no policy or procedure in place to record missed meal breaks or inform Best of
21 missed meal breaks.

22 9. During my employment, I believed that the downtime I had at a job site
23 constituted my meal breaks. While on site, I would often sit idle because equipment needed to
24 be moved or because the contractor was not ready for me to come through. However, I was not
25 allowed to leave the site because at any moment I could be asked to move my truck. Thus, I
26 was still on the job and therefore not taking a break. Because of my misunderstanding of a

1 lawful meal break, I would write on my driver sheet that I had taken a meal break every day. I
2 did not take an uninterrupted 30-minute meal break, although it was deducted from my
3 paychecks.

4 10. Often times, I had a load in my truck going to or from a prevailing wage job site.
5 However, best did not pay my prevailing wage for that time. Instead best paid me at a regular
6 travel time even though I had a load in the truck.

7 11. While I was working for Best I asked one of the office personal about receiving
8 meal and rest breaks. I was told that the only breaks I would receive were the ones that I could
9 manage to take throughout my day. These breaks were described as time while driving to and
10 from job sites. I usually was not able to take sort of breaks.

11 12. Every day, as a sweeping truck employee, I was required to perform a pre-trip
12 and post-trip inspection to ensure the truck was safe and operable and prepared for the job.
13 Regardless of how long it took, I could only report that each inspection took no longer than 15
14 minutes. However, a pre-trip inspection typically took 25-30 minutes to perform properly and
15 even longer for the post trip inspection since I had to clean out the truck as well. I was usually
16 only paid 15 minutes for each pre and post trip inspection. If I recorded that the inspections
17 took longer than 15 minutes, Debbie, the accountant, would ask me why I recorded more than
18 15 minutes of inspection time. To avoid constant questioning and the accounting hassle, I
19 would usually record the inspections taking 15 minutes each. For this reason, I was not paid for
20 the full amount of time that it took to complete the pre or post trip inspection.

1 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
2 is true and correct.

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4 EXECUTED at Spanaway, Washington this 1 day of September, 2018.
5 [city] [month]

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8 CHARLES MARKUS

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