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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 KEVIN  
SHEARON**

I, **KEVIN SHEARON**, 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 February 2015 to March 2018. I primarily worked for Best in King County, including the City of Seattle.

3. While working for Best, I was a resident of Washington State. I currently live in Chehalis, 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 in Pierce, Lewis, Kitsap, King, Thurston, and Jefferson counties.

1           5.       While working prevailing wage jobs, Best often did not pay me properly. Best  
2 would average my wage rate for prevailing wage jobs with that of my lower wage rate for the  
3 other jobs that I worked any given day, thus denying me proper pay for my prevailing wage  
4 work.

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

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

14          8.       After the lawsuit was filed, Rich Hamilton directed me to sign a statement  
15 declaring that I had received my meal and rest breaks. I had not received my meal and rest  
16 breaks but I signed the statement anyways. I was told this paperwork was just new protocol for  
17 new Washington State regulations. I only signed Mr. Hamilton's statement because I felt like I  
18 had no option. I felt that Mr. Hamilton was pressuring me to sign the document.

19          9.       Neither Rich Hamilton nor anyone else at Best told me about the pending  
20 lawsuit. I was not informed of the impact of the document I signed. I was also not given any  
21 information regarding my rights to rest and/or meal breaks.

22          10.       Best also did not provide me with proper meal breaks. I was frequently required  
23 to end meal breaks early due to the nature of my work or often I was unable to take one at all.  
24 There is no policy or procedure in place for me to inform Best of missed meal breaks.

1           11.     It was my impression that if I worked through my meal break that I would be  
2 paid for that time. I do not recall whether Best deducted 30 minutes of pay, regardless of  
3 whether I worked through those breaks or not.

4           12.     I complained about not receiving meal and rest breaks to Jim McMahon  
5 verbally. I believe I brought this complaint up daily with him.

6           13.     Often times, I had a load in my truck going to or from a prevailing wage job site.  
7 However, best did not pay me prevailing wage for that time. Instead best paid me at a regular  
8 wage during travel time even though I had a load in the truck. Best did not pay me for the  
9 actual time it took me to get to the job site, they only paid for the time they estimated it should  
10 take you to get to and from a job site.

11          14.     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 to prepare for the job.  
13 Regardless of how long it took, I could only report that the inspection took no longer than 15  
14 minutes each. It typically took 30 minutes to perform a proper pre-trip inspection and even  
15 longer for the post trip inspection since I had to clean out the truck as well. I was usually only  
16 paid 15 minutes for each pre and post trip inspection. Best failed to pay me for the rest of the  
17 time that it took to complete the pre or post trip inspection. In fact, almost every week, there  
18 would be a discrepancy of 6 hours from my reported working time and the hours that I was paid  
19 for. When I asked the accountant, who works for Best about how we were paid I was told not to  
20 inquire about this topic or my job may be in danger.

21          15.     On the occasions that my truck broke down and I had to wait for a mechanic, or  
22 I was waiting for my truck to be fixed at the shop, I was not compensated properly despite  
23 being on the job.

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

3  
4 EXECUTED at Chehalis, Washington this 1 day of September, 2018.  
5 [city] [month]

6 *Kevin A Shearon*

7 KEVIN SHEARON

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## Document History



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