

Patricia Hernandez Marquez (“Ms. Hernandez”) is a monolingual Spanish-speaking woman who was employed by Flying Food Group (“FFG”), an airline catering company located in Inglewood, California, from October 27, 2023 until May 10, 2024. Ms. Hernandez was hired to work at FFG as a temporary employee through Select Staffing, a temporary service agency contracted by FFG. Ms. Hernandez worked as a dishwasher and porter in a variety of departments at FFG, including the kitchen, cold foods department, and in the cafeteria. Ms. Hernandez was hired as a direct employee of FFG on or around February 23, 2024, and worked in the receiving department in the storeroom area until she was forced to quit. Her last day of work was May 10, 2024.

Although Ms. Hernandez was initially hired to work at FFG as a temporary employee through Select Staffing, at all times during her employment, Hernandez reported to and was supervised by FFG personnel, who had the authority and responsibility to: hire and discharge; set and change schedules; assign and transfer workers to different areas, departments, shifts, and positions at FFG; direct workers in their daily work activities; and act on or recommend action on workers’ grievances, among other things. Throughout her employment at FFG, Ms. Hernandez worked under the direction of supervisor Carlos Estrella, who assigned and oversaw her work daily and subjected Ms. Hernandez to physical, visual, and verbal sexual harassment during her employment at FFG.

Beginning in or around December 2023 and on a regular basis throughout the rest of her employment at FFG, Mr. Estrella subjected Ms. Hernandez to harassment in many forms, including unwanted sexual advances and comments, inappropriate and offensive touching, and staring, among other things. Mr. Estrella also sought to condition and/or promised certain privileges and benefits of employment on Ms. Hernandez (and other female employees) accepting or acquiescing to his sexual advances and other inappropriate behavior. FFG managers, including but not limited to Jose Zavaleta, knew or should have known about Mr. Estrella’s pattern of sexually harassing women, including Ms. Hernandez, but failed to take any steps to stop, escalate, investigate, or correct it. FFG also failed to take reasonable steps to prevent harassment from occurring.

Between approximately December 2023 and May 2024, Mr. Estrella would frequently try to hug or touch Ms. Hernandez as he passed by her in the workplace, often when they were in narrow hallways. On multiple occasions, Mr. Estrella gratuitously bumped into Ms. Hernandez from behind, touching her with his stomach or the bottom half of his torso, and then “apologize,” even though it was clear he had done so intentionally. On one occasion in December 2023, when Ms. Hernandez came in early and was waiting in the reception office to sign her timesheet, Mr. Estrella entered the room, greeted her, and patted her lower back/buttocks area with his hand, startling her. FFG Manager Jose Zavaleta, who supervises Mr. Estrella, was present in the room at the time and saw this interaction, but did not say or do anything in response.

On several occasions, Mr. Estrella instructed Ms. Hernandez to get down on her knees on the floor to scrub the sewage drain area in the hot kitchen while he held the door open and watched her from behind. On these occasions, Mr. Estrella would send Pablito (LNU), a coworker stationed in the same area as Ms. Hernandez who he also supervised, to leave and go clean the

grills, so that he and Ms. Hernandez were left alone. This made Ms. Hernandez feel very uncomfortable and unsafe.

During her time at FFG, Ms. Hernandez also frequently observed Mr. Estrella staring at other women workers when they were bent over or kneeling to do work tasks.

After another co-worker, Sandra Ruiz Garcia, began working for Flying Food Group in October 2023, Ms. Hernandez observed that Mr. Estrella seemed to treat Ms. Ruiz more favorably than Ms. Hernandez by giving her lighter assignments and a preferable work schedule. When she confronted Mr. Estrella about this, he told Ms. Hernandez that even though she was a good worker, he preferred Ms. Ruiz because she was friendlier to him and implied that she was less resistant to his advances. (Note that Ms. Ruiz also filed a CRD complaint, Case Number 202411-27057514, on 11/15/2024.)

On another occasion, Mr. Estrella told Ms. Hernandez that he could help her son get a job at Flying Food Group, but only if Ms. Hernandez acted more friendly to him and did whatever he asked of her.

Ms. Hernandez was initially hesitant to complain to FFG managers or to Human Resources (HR) about the harassment because she was new and needed her job, and she was worried about facing retaliation if she complained. One of her fellow coworkers, Nelly Hernandez (N. Hernandez), warned Ms. Hernandez to be careful (“ten cuidado,” in Spanish) in making a report. Ms. Hernandez learned from other co-workers that N. Hernandez had complained to HR about Mr. Estrella’s harassment, but that HR not only failed to investigate or take corrective action in response to her report; it apparently shared with Mr. Estrella what N. Hernandez had told HR (in confidence) and then took no further action. (Note that N. Hernandez also filed a CRD Complaint, Case Number 202411-27049114, on 11/14/2024.)

Nonetheless, around five months after she started working at FFG (in or around March or April of 2024), Ms. Hernandez approached FFG manager Jose Zavaleta to complain about Mr. Estrella’s conduct. Among other things, she told Mr. Zavaleta how Mr. Estrella would humiliate her by ordering her to clean the sewage drains on her hands and knees, and then watch her, and about how he showed (unfair) favoritism towards Ms. Ruiz because she acted more “friendly” to him and did what he wanted. In response, Mr. Zavaleta acknowledged that he knew about Mr. Estrella’s behavior towards women but told Ms. Hernandez, “I’ve already told him not to talk to the women [like he does]...but he doesn’t listen to me.” He did not encourage Ms. Hernandez to report the harassment to HR or escalate her report himself. Mr. Zavaleta failed to take any steps to stop the harassment or hold Mr. Estrella accountable for it and he did nothing to prevent the harassment from reoccurring. He also did not offer Ms. Hernandez any other support. In essence, Mr. Zavaleta told Ms. Hernandez he knew Mr. Estrella was a serial sexual harasser, but there was nothing to be done. Based on this conversation, Ms. Hernandez concluded that there would be no use in complaining further to FFG management, as it appeared fruitless to do so.

Mr. Estrella’s harassment and FFG’s failure to do anything about it significantly impacted Ms. Hernandez’s physical and mental health. She felt extremely stressed and exhausted by the

experience and began experiencing insomnia, physical pains, and weight loss. Her conversation with Mr. Zavaleta led her to believe that the company would do nothing to stop the harassment or keep her safe. Because of the emotional and physical toll the harassment took on her, and since the company refused to stop or correct Mr. Estrella's behavior, she felt compelled to leave her employment with FFG. Her last day of work was Friday, May 10, 2024.

Although Ms. Hernandez found another job soon after leaving FFG, she is making significantly less per hour than she was making at FFG and has lost thousands of dollars in wages due to her constructive discharge.

Ms. Hernandez is informed and believes that other former and current employees at FFG, including fellow CRD complainants Nelly Hernandez and Sandra Ruiz Garcia, have been subjected to similar harassment and discrimination because of their sex and/or have faced retaliation for complaining about, or supporting other workers' complaints about, sexual harassment. In addition, FFG's ongoing failure to take reasonable steps to prevent harassment in the workplace and its failure to take effective remedial or corrective action in response to complaints of harassment has violated the rights of Ms. Hernandez, Ms. N. Hernandez, Ms. Ruiz Garcia, and other similarly situated employees at FFG.