

## California Labor Department has Wage Theft in Sights

By Mark S. Askanas

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The California Division of Labor Standards Enforcement (DLSE) is taking aim at employers for wage theft. In the latest example of the Division's aggressive stance, it claimed Little Lopez Corporation, a janitorial services provider, owed wages to 41 current and former employees and, following an investigation, has issued citations to the company totaling \$332,675. The Department of Industrial Relations (DIR), of which the Division is a unit, announced the investigation arose from a complaint filed in April 2013. The citations, issued by Labor Commissioner Julie A. Su, include \$236,175 in wages owed plus \$96,500 in civil penalties for violations of hourly, overtime, minimum wage, rest and meal period laws over a three-year period.

The California Wage Theft Protection Act of 2011 went into effect on January 1, 2012. The Act requires that all employers provide each employee with a written notice containing specified information at the time of hire. The notice must be in the language the employer normally uses to communicate employment-related information to the employee. The law also increases penalties for wage violations, provides for employer restitution of certain wages to employees, and extends from one to three years the statute of limitations on collection actions by the DLSE.

According to a May 2013 report from DLSE, "State of the Division of Labor Standards Enforcement," in 2012, the agency assessed against employers:

- Over \$3 million in unpaid minimum wages;
- More than \$13 million unpaid overtime wages; and
- Over \$51 million in civil penalties assessed.

Referring to a major 2013 case, the State Labor Commissioner Su said, "This case should serve as a deterrent to employers who think they can get away with denying workers a just day's pay for a hard day's work.... It should also reassure those who are playing by the rules that we are doing everything in our power to level the playing field."

Jackson Lewis attorneys are available to answer questions and provide training regarding best practices related to compliance with local, state and federal wage laws.

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