

N E W S R E L E A S E

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Labor Commissioner's Office Recovers over \$360,000 for Live-in Caregivers in Wage Theft Case

Oakland—The Labor Commissioner's Office announced today that two workers from residential care facility owner Alexen Corporation were paid \$360,139 for wage theft violations including underpaid wages, overtime, meal periods and accrued interest.

The two caregivers, who worked at facilities in Antioch and San Lorenzo for adults with developmental disabilities, filed wage claims in December 2014 and March 2015 alleging they were owed \$84,308 and \$106,488, respectively. Following a 2015 hearing, the Labor Commissioner's Office awarded the workers \$118,676 and \$195,448 because years of being paid a daily rate for their 24-hour shifts resulted in underpaid regular wages and no overtime pay. The workers were required to be on duty through their meal breaks and were denied uninterrupted sleep periods when working overnight.

The Labor Commissioner's Office recovered the unpaid wages plus interest after submitting judgments to the Contra Costa County Superior Court and placing a bank levy on Alexen Corporation's account. The division's ability to issue bank levies directly was authorized by Governor Brown in 2016 with the passage of [SB 588](#) (De León).

"California is at the forefront of the fight against wage theft, giving the Labor Commissioner tools to punish recalcitrant employers who steal their workers' wages and refuse to pay even after the workers file a claim and win," said Labor Commissioner Julie A. Su. "We are using those tools to put more unpaid wages into workers' pockets."

SB 588, which went into effect on January 1, 2016, adds sections to the Labor Code that allow the Labor Commissioner's Office to enforce judgments against an employer arising from the nonpayment of wages.



Labor Commissioner's Office staff in Oakland with residential caregivers Lourdes Reginio and Alquin Santillan (holding checks, front row center). Also pictured to their right is Hina Shah, Women's Employment Rights Clinic, Golden Gate University School of Law.

The Labor Commissioner's Office is authorized to directly issue notices of levies on employers' property to banks and third parties, and hold that property until the judgement is satisfied.

The workers were awarded \$180,106 in underpaid regular wages and unpaid overtime, \$86,009 in liquidated damages, \$34,832 in interest, \$13,177 in additional wages, and \$46,015 in accrued post-judgment interest.

Workers paid less than minimum wage are entitled to liquidated damages that equal the amount of underpaid wages plus interest. Additional wages are calculated pursuant to [Labor Code section 203](#) as a penalty when an employer fails to pay any wages of an employee who is discharged or who quits.

The [Labor Commissioner's Office](#), officially known as the Division of Labor Standards Enforcement, is a division of the Department of Industrial Relations (DIR). Among its wide-ranging enforcement responsibilities, the Labor Commissioner's Office inspects workplaces for wage and hour violations, adjudicates wage claims, investigates retaliation complaints and educates the public on labor laws.

In 2014, Commissioner Su launched the [Wage Theft is a Crime](#) multilingual public awareness campaign. The campaign defines wage theft and informs workers of their rights and the resources available to them to recover unpaid wages or report other labor law violations. Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734).

Members of the press may contact Erika Monterroza or Peter Melton at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). For general inquiries, contact DIR's Communications Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.