

## NEWS RELEASE

News Release No.: 2015-62

Date: July 7, 2015

### **Superior Court Judge Upholds Labor Commissioner’s Decision That Truck Driver Was Misclassified as Independent Contractor: *Driver to Receive Nearly \$180,000 in Back Wages and Expenses***

**Los Angeles**—A Superior Court judge last week sided with the Labor Commissioner’s Office in finding that a Los Angeles trucking company misclassified an employee as an independent contractor. The court affirmed that Laca Express Inc. owes driver Ho Woo Lee \$179,390 in back wages and expenses unlawfully deducted from his paycheck.

“The Labor Commissioner determines the employment status of an individual based on the facts of each case,” said Christine Baker, Director of the Department of Industrial Relations (DIR.) “This decision shows the laws are in place to ensure that workers are properly classified.” The Division of Labor Standards Enforcement, also called the Labor Commissioner’s Office, is a division of DIR.

In his December 2012 claim filed with the Los Angeles Labor Commissioner’s office, Lee said Laca Express unlawfully deducted \$83,292 from his paycheck in violation of Labor Code section 221. Lee’s claim included more than \$80,000 in weekly lease and insurance payments that were deducted from his paycheck for a truck that Laca repossessed after terminating Lee’s employment. The Labor Commissioner’s Office issued an Order, Decision or Award (ODA) in Lee’s favor for \$161,205.

Laca appealed the ODA, and the Labor Commissioner’s Office represented Lee in the Los Angeles Superior Court case. Judge Ross Klein determined that Lee was owed \$179,390 plus costs and attorney’s fees for unlawfully deducted wages, reimbursable expenses (such as fuel and truck repair costs), interest and penalties.

“Judge Klein’s ruling will go a long way toward making Mr. Lee whole for the unlawful behavior of Laca Express,” said Labor Commissioner Julie A. Su. “The judgment will also serve as a deterrent to wrongful misclassification of workers and other forms of wage theft.”

Among its wide-ranging enforcement responsibilities, the [Labor Commissioner's Office](#) inspects workplaces for wage and hour violations, adjudicates wage claims, enforces prevailing wage rates and apprenticeship standards in public works projects, investigates retaliation complaints, issues licenses and registrations for businesses and educates the public on labor laws.

The [Wage Theft is a Crime](#) public awareness campaign, launched last year by DIR and its Labor Commissioner's Office, has helped inform workers of their rights. The campaign includes multilingual print and outdoor advertising as well as radio commercials on ethnic stations in English, Spanish, Chinese, Vietnamese, Hmong and Tagalog.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734). The California Workers' Information line at 866-924-9757 also offers recorded information in English and Spanish on a variety of work-related topics.

Members of the press may contact Erika Monterroza at (510) 286-1164 or Peter Melton at (510) 286-7046.

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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.