

N E W S R E L E A S E

News Release No.: 2017-50

Date: June 27, 2017

Labor Commissioner’s Decision Results in \$48,860 for Convenience Store Clerk Making Less Than Minimum Wage and No Overtime Pay

Yuba City—The Labor Commissioner’s Office announced that a Northern California convenience store owner paid a clerk \$48,860 in back wages after the wage claim hearing officer ruled that the worker was not making minimum wage and was not paid overtime or double-time.

The clerk for Mike’s Food & Liquor, located in Olivehurst, filed a wage claim on March 17, 2015. His initial claim was for \$14,520 in underpaid regular wages from January 1, 2013 to October 31, 2014. The claimant filed his claim without an attorney or other advocate representing him. The Labor Commissioner’s wage claim hearing officer found that the worker was underpaid much more than he originally claimed, determining the clerk was owed \$42,980, consisting of \$22,162 in regular and overtime wages, \$14,707 in liquidated damages, \$3,586 in interest and \$2,524 in waiting time penalties.

“Workers that are not paid correctly are victims of wage theft and my office can help them get back what they have earned,” said Labor Commissioner Julie A. Su. “This case shows that when workers exercise their labor rights and come forward to report wage theft, they can do so on their own without an attorney, they can receive the wages they are owed, and in some cases even more.”

The clerk worked on average 62.2 hours per week, earning an average of 20.2 overtime hours and two double-time hours for working more than eight hours on the seventh consecutive day of the workweek. Regardless of the number of hours actually worked the employer paid the clerk for 80 hours every semi-monthly pay period, which resulted in an underpayment of regular wages because most months exceed four weeks.

The Labor Commissioner’s Office entered a judgment after the employer failed to pay the award and successfully recovered \$48,860, the balance of the award plus post-judgment interest.

Most workers in California, unless [exempt from overtime laws](#), must receive overtime pay of 1.5 times the regular rate of pay for all hours worked over 8 hours in a workday or over 40 hours in a week, and double the regular rate of pay for all hours worked over 12 hours in a workday. Workers paid less than minimum wage are entitled to receive liquidated damages, which equal the amount of underpaid wages plus interest. Waiting

time penalties are imposed when the employer fails to provide workers their final paycheck upon separation.

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 Peter Melton or Frank Polizzi at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

###



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.