

## NEWS RELEASE

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### **Labor Commissioner Cites Farm Labor Contractor, Holds Growers Liable for Wage Theft Violations Affecting 1,374 Seasonal Workers**

**San Bernardino**—The Labor Commissioner’s Office has issued wage theft citations to a large farm labor contracting operation for failing to timely provide 1,374 seasonal farmworkers their final pay. Vista Santa Rosa Inc. did not pay discharged workers on the last day of work as required by law, and the company consistently issued final paychecks at least 72 hours late. Both client employers and their labor suppliers are accountable for workplace labor law violations in California.

“Delaying final paychecks is wage theft and in this case, puts significant pressure on seasonal workers to abandon their pay or wait and jeopardize competitive job and lodging openings,” said Labor Commissioner Julie A. Su. “Bringing attention to this issue during the grape harvest should deter farm labor contractors and growers from this wage theft practice and help ensure their workers are paid on time.”

The Labor Commissioner’s Office launched an investigation in August 2016 after workers reported violations of late pay to [California Rural Legal Assistance](#), a nonprofit that provides free legal services. The investigation identified \$646,875 in waiting time penalties, of which \$323,729 is due to 867 affected workers in 2016, and \$323,145 is due to 864 workers in 2017.

Vista Santa Rosa Inc. hires and provides farmworkers to growers in the Coachella Valley region. In 2016, Vista was a sole-proprietorship owned and operated by Jose Luis Gomez Jr. In 2017 Gomez began doing business as Vista Santa Rosa Inc. Both Gomez and his successor company Vista share joint and several liability for the \$646,875 in waiting time penalties.

[California Labor Code section 2810.3](#) holds client employers – those that obtain or are provided workers from a subcontractor – responsible for their subcontractor’s workplace violations. Client employers also liable for Vista’s violations include:

- Brighton Distributing, Inc.
- Coachella Valley Ranch Development, Inc.
- East-West Unlimited, LLC
- Anthony Vineyards, Inc.
- Alexandra Dates, Inc.
- MICA, LLC
- The Wildwood Group, Inc.
- Sun World International, LLC

[Final pay laws](#) require all wages due to be paid on the last day at the time of separation. If a worker quits, final wages are due within 72 hours of the notice. Waiting time penalties are imposed when the employer intentionally fails to pay all wages due to the employee at the time of separation. This penalty is calculated by taking the employee's daily rate of pay and multiplying it by the number of days the employee was not paid, up to a maximum of 30 days.

Enforcement investigations typically include a payroll audit of the previous three years to determine minimum wage, overtime and other labor law violations, and any payments owed and penalties due are calculated.

The Division of Labor Standards Enforcement, or the Labor Commissioner's Office, is the division within the Department of Industrial Relations (DIR) with wide-ranging enforcement responsibilities including adjudicating wage claims, inspecting workplaces for wage and hour violations, investigating retaliation complaints and educating the public on labor laws.

In 2014, Labor 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 Frank Polizzi 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 Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.