

## N E W S   R E L E A S E

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### **Labor Commissioner’s Office Cites Daly City Residential Care Facility for Wage Theft – 48 Workers Owed more than \$631,000**

**San Francisco**—The California Labor Commissioner’s Office has cited a Daly City senior care facility for multiple wage theft violations affecting 48 workers. The workers are owed more than \$631,000 for underpaid minimum wage, overtime and contract wages as well as other penalties.

The Labor Commissioner’s Office opened an investigation at Amore Retirement Living last June after receiving a complaint that the employer did not have workers’ compensation insurance. Investigators found that the 53-bed facility lacked coverage for the previous five years, and uncovered many other labor law violations.

“This residential care facility required its workers to be available around the clock but didn’t pay them a just day’s wages,” said California Labor Secretary Julie A. Su. “In industries where employees are expected to work overtime or on call, California law requires that they be paid for all hours worked. Anything less is wage theft.”

Investigators at the Labor Commissioner’s Office learned that Amore Retirement Living over a 28-month period ending in October 2017 did not provide overtime or meal periods for their employees who worked an average of 58 hours a week. An audit of payroll and time records also showed that 29 employees worked split shifts without being paid the one-hour premium required in order to provide around-the-clock care to the residents.

The citations against Amore Retirement Living, which total \$708,521 including civil penalties, name both the care home’s licensee Krysella Trisimeo Corporation and its chief executive officer, Sheryll Miranda-Sunga, as jointly liable for the wage theft. The investigation determined that the employer owes workers \$623,871 in unpaid minimum wages and overtime, liquidated damages, meal period and wage statement violations, split shift premiums and waiting time penalties, with an additional \$7,766 for contract wages due for 40 of the workers. The citations also include \$84,650 in civil penalties due to the state for minimum wage, overtime, split shift premium, meal period and itemized wage statement violations.

Krysella Trisimeo Corporation was cited \$469,103 on June 20, 2018 for failure to obtain and maintain workers’ compensation insurance coverage.

Enforcement investigations typically include a payroll audit of the previous three years to determine minimum wage, overtime and other labor law violations, and calculate payments owed and penalties due. Civil penalties collected are transferred to the State's General Fund as required by law.

When workers are paid less than minimum wage, they are entitled to liquidated damages that equal the amount of underpaid wages plus interest. 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.

The Department of Industrial Relations' Division of Labor Standards Enforcement, or the [California Labor Commissioner's Office](#), combats wage theft and conducts on-site inspections to investigate and enforce compliance with minimum wage and other California labor laws. Its wide-ranging responsibilities include retaliation complaint investigations, public works enforcement, licensing and registration, as well as multilingual labor law education and outreach for workers and employers.

In 2014, the Labor Commissioner's Office under Julie A. Su's leadership 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 Jeanne-Mairie Duval 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.