

California fines Jack in the Box \$903,084 for failing to pay overtime

The California Division of Labor Standards Enforcement cited a Jack in the Box franchise operator \$903,084 for misclassifying 40 managers as exempt and denying them overtime pay.

Nor-Cal Venture Group, Inc. owns 26 Jack in the Box franchises in California, primarily in the greater Sacramento area.

Labor Commissioner Julie A. Su opened an investigation after receiving a complaint and found that 40 employees were misclassified as exempt. As managers, they were required to work a minimum of 45 hours per week with no overtime, regardless of how many hours they worked.

“For these employees, being misclassified as managers resulted in being paid less than minimum wage,” Su said.

Managers who spend less than half of their work time on managerial duties must be paid overtime. Investigators determined that the 40 workers were performing the same duties as other employees.

The citations issued to Nor-Cal Venture Group, Inc. include

\$416,783 in unpaid overtime wages and penalties, \$218,227 in minimum wage violations and penalties, \$169,427 in liquidated damages, and \$98,647 in waiting time penalties for 16 workers, who were not paid at the conclusion of their employment. When workers are paid less than minimum wage, they are entitled to liquidated damages that equal the amount of underpaid wages, plus interest.

Worker misclassification results in an estimated loss of \$7 billion each year in payroll tax revenue to the state of California. Employees misclassified as independent contractors are also frequently underpaid and do not have on-the-job benefits and protections, including workers’ compensation, unemployment insurance, and the right to unionize.

In 2014, Su launched the ‘Wage Theft is a Crime’ 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.

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