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2017 Newsletter

Golden Gate University School of Law

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**WOMEN'S EMPLOYMENT RIGHTS CLINIC (WERC)
GOLDEN GATE UNIVERSITY SCHOOL OF LAW
2017 Newsletter**

Direct Legal Services

WERC represents low-wage workers in administrative advocacy before the state Labor Commissioner, the state agency that enforces California's wage and hour laws, and the Department of Labor, the federal agency that enforces federal wage and hour laws, and the Office of Appeals for the Employment Development Department for unemployment insurance appeals. Workers are either referred to WERC by our community partners or they call our student-run hotline. WERC provides a range of services to clients from advice and counseling to full representation.

This summer, two of the clinic's clients received the full amount of their judgment - \$360,000. Clinic students represented the two live-in caregivers in an evidentiary hearing before the Labor Commissioner and the clinic worked closely with the Labor Commissioner in their collection efforts.



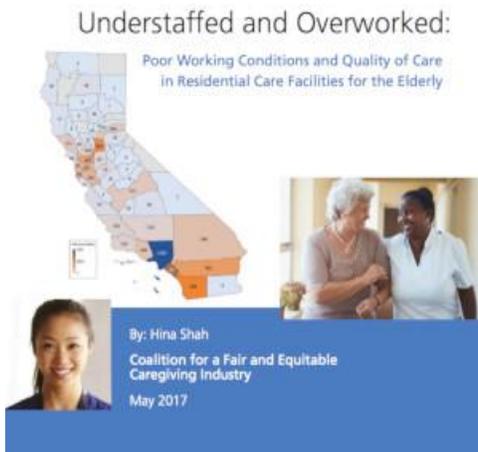
Impact Work

WERC also brings strategic litigation on behalf of low-wage workers. WERC along with co-counsel Legal Aid at Work, sued Mission Beach Café in San Francisco on behalf of nine current and former employees. The lawsuit alleges among other things that they are unable to cash their paychecks due to insufficient funds, not paid regularly and not usually given paystubs. This summer, a San Francisco Superior Court judge granted a preliminary injunction in *Germick et al. v. Mission Beach Café et. al.*, requiring that Defendants immediately cease violating several labor laws by timely paying workers all earned wages, issuing paychecks with sufficient funds, and issuing legally sufficient paystubs.



In addition, WERC uses its expertise to weigh in on significant cases, writing amici curiae (“friends of the court”) briefs on behalf of low-wage worker advocates. WERC recently submitted a brief in *Troester v. Starbucks Corporation* before the California Supreme Court on behalf of a broad coalition of non-profit organizations. The issue is whether the federal de minimis rule is applicable in California wage and hour matters. A rule that would allow employers to avoid paying employees for up to ten minutes of work per day would be devastating to California’s 4.7 million low-income workers who cannot afford to forego a single dollar of their earnings.

Enforcement Advocacy/Policy Reform



The United States is experiencing unprecedented growth in its elderly population. As Americans live longer and cope with chronic health conditions, the need for long term services and support has increased. WERC authored a new report, **Understaffed and Overworked: Poor Working Conditions And Quality of Care in Residential Care Facilities for the Elderly**, which links how the structural and exploitative nature of working conditions in Residential Care Facilities for the Elderly (RCFE) in California contributes to poor quality of care and life outcomes for residents. The report is released on behalf of Coalition For a Fair and Equitable Caregiving Industry is made up of legal service providers, worker centers, unions, community-based nonprofit organizations and consumer advocates. The Coalition is now working with state legislators to introduce legislation consistent with the recommendations.

The Labor Commissioner invited WERC Director, Hina Shah, to train the Bureau of Field Enforcement Investigators and Wage Claim Adjudication staff on the residential care industry. This summer, Professor Shah trained approximately 57 Labor Commissioner staff on the industry and legal issues and violations.