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Golden Gate University School of Law

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Low-Wage Workers Will Be Directly Impacted by the California Supreme Court's Decision in Troester v. Starbucks Inc.

SAN FRANCISCO, April 30, 2018 (GLOBE NEWSWIRE) -- On May 1, 2018, the California Supreme Court will hear arguments in *Troester v. Starbucks Inc.* to decide whether employers can avoid paying employees for up to 10 minutes of work per day. The issue is whether the federal de minimis rule can be incorporated into California's statutory worker protection laws. A ruling in this case will greatly impact California's 4.7 million low-income workers who cannot afford to forgo a single dollar of their earnings.

The Women's Employment Rights Clinic at Golden Gate University School of Law filed an amicus brief on behalf of low-wage worker advocates, urging the Court to follow its own precedent and the clear statutory requirements in California that workers must be paid for all hours worked.

"Wage theft is already rampant in low-wage industries. The de minimis rule would allow employer to shave as much as 10 minutes per day - in the aggregate hundreds of hours per year, from the earnings of low-wage workers," said Anna Kirsch, Visiting Associate Professor of Law and staff attorney at WERC, who authored the amicus brief. "In today's technologically advanced world, there is no reason why California employers cannot track and pay for every minute a worker is on the clock."

California's low-wage workforce is nearly three-quarters nonwhite and concentrated in two industries — retail trade, and restaurants and other food services. The annual wages in these two industries ranges from \$20,000 to \$30,000 – nearly half of the State's overall median.

"The California Supreme Court in *Mendiola v. CPS Security Solutions*, clarified that in the absence of express statutory language, weaker federal law cannot be incorporated into state law," Hina Shah, Director of WERC who argued *Mendiola* before the Supreme Court on behalf of low-wage worker advocates, stated. "The de minimis rule would substantially erode protections afforded to California employees to be paid for all hours that they are under the control of their employer."

About **GGU Law's Women's Employment Rights Clinic (WERC):**

The Women's Employment Rights Clinic (WERC) is a clinical law program at Golden Gate University School of Law. Over the past 20 years, WERC has partnered with community based organizations, advocating for the rights of low-wage and immigrant workers through direct service, impact litigation and public policy work.

Details: www.ggu.edu/law/werc

PRESS CONTACTS:

Anna Kirsch, GGU Law's Women's Employment Rights Clinic, 415-994-1747 (cell); 415-369-5336,
akirsch@ggu.edu