

## California Supreme Court Hits Employers in Starbucks Off-the-Clock Work Case



In recent years, employers have faced lawsuits over small or *de minimis* amounts of unpaid time spent either before the employee clocks in or after the employee clocks out — like time spent booting up your computer or locking up the store.

The California Supreme Court recently held that California's Labor Code and wage orders have not adopted the federal *de minimis* rule that excuses payment for small amounts of time when the employer can show these amounts are administratively difficult to track. California labor laws, according to the Court, don't allow employees to routinely work for minutes off the clock without being paid — because California labor laws require pay for "all hours worked" (*Troester v. Starbucks Corporation*, 2018 WL 3582702 (2018)).

The decision in this case has important implications: California businesses will likely see a new surge of wage and hour lawsuits by employees who claim they must be paid under California's Labor Code for time they spend off the clock prepping for or wrapping up a work shift.

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7:30 a.m. – 4:00 p.m.

**Keynote Speaker:**

Kevin Kish, Director of the California Department of Fair Employment and Housing (DFEH)

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Right now, more than a dozen wildfires are raging up and down California, forcing evacuations and bringing tragedy and loss.

As of August 9, the Carr fire in Shasta County has taken several lives, destroyed more than 1,000 residences, burned more than 177,000 acres and is only 48 percent contained. And the Mendocino Complex fire — which consists of the River and Ranch fires burning through rural Lake, Colusa and Mendocino counties — has become the largest in California's history. As of August 9, it has burned more than 304,000 acres and is 51 percent contained.

During these trying times, the California Chamber of Commerce receives questions from the employer community about how they can help their employees — and employers must remember some key obligations related to paying employees, leaves of absences, workplace safety and planning ahead for emergencies.



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