

LABOR COMMISSIONER, STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT

DATE FILED

9/3/2015

DISTRICT OFFICE

08

TAKEN BY

PLAINTIFF:

DEFENDANT:

DOES I
THROUGH V,
Defendant(s)

State Case Number

COMPLAINT

PLAINTIFF ALLEGES:

1. He was _____ employed by the defendant named above to perform personal services as: a Security Officer
 2. for the period April 1, 2014 to Presently Employed
 3. in the County of Sacramento, California; under the terms of a written agreement, at the promised rate of compensation of: \$11.00 per hour
 4. that there is due, owing and payable from the defendant to the plaintiff an amount as and for wages, penalties and/or other demands for compensation:
 - a. as shown in attached Exhibit A, incorporated herein;
 - b. as set out below:
 1. Overtime premium wages pursuant to Section 3 of the Industrial Welfare Commission Order No. 4 for hours worked in excess of 8 per day earned from May 7, 2014 to October 10, 2015, for 572 hours at \$5.50 per hour (one-half the regular rate of pay), claiming \$3,146.00.
 2. Sick leave wages for August 15, 2015 being 10 hours at \$11.00 per hour (8 hours) and \$16.50 per hour (2 hours), claiming \$121.00.
 3. Administrative penalty pursuant to Labor Code Section 248.5(b)(2): Plaintiff was due one day of sick pay, earned on August 15, 2015, at the rate of \$121.00 per day. However, sick pay was not paid, \$121.00 multiplied by 3 = \$363.00, which is more than \$250.00. Penalties owed equivalent to the higher amount, claiming \$363.00.
 4. Damages pursuant to Labor Code Section 248.5(b)(3) at the rate of \$50.00 per day, for an indeterminate number of days not to exceed \$4,000.00.
 - c. and also alleging liquidated damages pursuant to Labor Code Section 1194.2 in the amount of _____ which is equal to the amount of unpaid minimum wages.
 - d. and also alleging additional wages accrued pursuant to Labor Code Section 203 as a penalty of \$121.00 per day for an indeterminate number of days not to exceed thirty days.
 - e. and also alleging additional wages accrued pursuant to Labor Code Section 203.1, as a penalty of _____ per day for issuance of an insufficient payroll check for an indeterminate number of days not to exceed thirty days per check.
- Interest pursuant to Labor Code Section(s) 98.1(c), 1194.2 and/or 2802(b).**

PLAINTIFF CERTIFIES THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF.

Executed at Sacramento, County of Sacramento, California

Dated: _____