

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Diaz v. Grill Concepts Services, Inc.

Court of Appeal, Second District, Division 2, California - May 24, 2018 - Cal.Rptr.3d - 2018 WL 2355295 - 18 Cal. Daily Op. Serv. 4992

Restaurant employees brought class action against employer, alleging failure to pay living wage as required by ordinance and unfair competition.

On cross-motions for summary judgment, the Superior Court partially granted and partially denied the motions, and, following trial, entered judgment in favor of employees as to prejudgment interest and penalties. Employer appealed.

The Court of Appeal held that:

- Ordinance mandating payment of living wage to certain employees was not unconstitutionally vague under due process clause, and
- Trial courts lack discretion to waive statutory waiting time penalties for failure to pay wages of employees who are discharged or who quit.