

Resolution 04-02-2009

Penalty for Failure to Pay Wages: Deleting References to Repealed Statute

RESOLVED that the Conference of the Delegates of California Bar Associations recommends that legislation be sponsored to amend Labor Code section 226.6 to read as follows:

1 §226.6
2 Any employer who knowingly and intentionally violates the provisions of Section
3 226 ~~or 226.2~~, or any officer, agent, employee, fiduciary, or other person who has the control,
4 receipt, custody, or disposal of, or pays, the wages due any employee, and who knowingly
5 and intentionally participates or aids in the violation of any provision of Section 226 ~~or 226.2~~
6 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one
7 thousand dollars (\$1,000) or be imprisoned not to exceed one year, or both, at the discretion
8 of the court. That fine or imprisonment, or both, shall be in addition to any other penalty
9 provided by law.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS:

Existing Law: Provides for misdemeanor liability and a fine and/or imprisonment for the knowing and intentional violation of Labor Code section 226 or 226.2. Section 226.2 was repealed in 1987.

This Resolution: Would delete from Labor Code section 226.6 references to repealed section 226.2.

The Problem: Labor Code section 226.6 refers to a repealed statute; and should be amended to delete an incorrect reference.

IMPACT STATEMENT:

This resolution does not affect any other law, statute or rule.

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RESPONSIBLE FLOOR DELEGATE: