

California Appellate Court Clarifies “Reporting Time Pay” Requirement for Employees Who Attend a Mandatory Meeting on Their Day Off

Under California law, an employer must pay “reporting time pay” in two circumstances: (1) when an employee reports to work for a regularly scheduled day of work, but is not put to work or is provided less than half of his or her scheduled day’s work or (2) the employee is asked to attend a meeting or training on a day that the employee is scheduled to be off work. Historically, the Division of Labor Standards Enforcement (“DLSE”) - the government agency responsible for enforcing California wage and hour laws – has issued conflicting enforcement policies regarding how much an employer must pay an employee for “reporting time” in these two circumstances. In its most recent enforcement policy, the DLSE concluded that in *both* circumstances, employees should receive reporting time pay in the amount of fifty percent of their usual or scheduled shift (up to a maximum of four hours). The DLSE had previously determined, however, that employees who are required to attend mandatory meetings on their scheduled day off need only receive two hours of reporting time pay. Recently, a California appellate court ignored the DLSE’s current enforcement position and ruled that an employee who was required to attend a termination meeting on his scheduled day off was only entitled to two hours of reporting time pay.

In *Price v. Starbucks*, the plaintiff, a coffee barista, was asked to come to the store on his scheduled day off for a meeting with his manager. The plaintiff reported to work for the meeting and his manager told him he was being let go. The meeting lasted approximately forty-five seconds. The plaintiff was paid two hours of “reporting time pay” for the termination meeting. The plaintiff sued Starbucks, arguing that he should have received additional “reporting time pay” in the amount of fifty percent of his usual or scheduled day’s work.

Citing the DLSE’s previous enforcement position, the appellate court held that employees who are *not* scheduled to work and do not *expect* to work their usual shift, but instead must report to work for a *meeting*, should only be paid the minimum of two hours. In reaching this conclusion, the court noted that the primary purpose of the reporting time pay provision is “to guarantee at least partial compensation for employees who report to work expecting to work a specified number of hours and who are deprived of that amount because of inadequate scheduling or lack of proper notice by the employer.” Thus, where an employee is required to report to work for a brief meeting - and does not expect to work a regular shift - the employee is only entitled to two hours of reporting time pay. Because the plaintiff in *Starbucks* was not scheduled to work on the day he reported to the termination meeting, he was not entitled to more than the two hours of pay he received.

Employers are advised to update and publish their reporting time pay policies before changing their reporting time pay practices. Additionally, employers should be aware that the DLSE may attempt to enforce its current position notwithstanding this important appellate court decision.

For more information, please contact the authors or any member of Luce Forward’s Labor & Employment group.

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