

# **California Truck & Delivery Driver Wage Theft**

## **The Ultimate No B.S. Guide To Getting Your Hard Earned Wages Back**

### **Preface**

Congratulations! You made an excellent decision to obtain this book. It is the best investment you will make for getting your hard earned wages back from the company. The information I provide you can help you get on the road to recovering lots of money stolen from you by the company. This book will help win your wage and hour case. I personally guarantee it.

Every day trucking companies and delivery companies up and down California are ripping off wages from drivers just like you. This book will help you get back the money you deserve.

### **Chapter I. Introduction**

I don't have to tell you that driving a truck is a hard way to make a living. I used to ride with my Dad when he drove trucks when I was a kid. It's hard enough when you are getting paid what you're supposed to be paid. I don't have to tell you how hard it is today just to make ends meet. It's really tough when the company is ripping you off. Based on what I see. If you are a California truck driver, delivery driver or commercial driver - the company is probably ripping you off.

How do I know? I represent more drivers than any lawyer in California. I have represented thousands of California truck and delivery drivers. I am a wage and hour class action lawyer. I help drivers just like you get back the wages the company has stolen from you and your family.

#### **1. What is Wage Theft?**

The law calls it "wage and hour" law. This is a polite description for the company stealing your wages. In reality it is wage theft. You pull these stunts and you go straight to jail. The company does it and it's called "part of doing business." The

reality is the law protects the company and allows them to steal your wages and still not go to jail. I call it robbery without a gun.

It isn't legal; but no one is going to jail for this theft. This is why almost all trucking companies steal wages - because they know that the worst that will happen is that they have to pay your hard earned money back. And even then, they profit from stealing your wages. It isn't right.

So I wrote this guide. This, of course, is what this California Truck & Delivery Driver Wage Theft guide is all about. Helping you get your hard earned wages back from the company.

My name is Bill Turley. I am a California wage and hour lawyer. I represent more truck drivers than any law firm in California. I specialize in driver wage and hour class actions. I help Drivers get their hard earned wages back. In a way, I am the new sheriff in town. Only, I'm not so new - I have been representing Drivers for years. I am here to help you get your wages back from the company.

This California Truck & Delivery Driver Wage Theft guide for California drivers will help you to keep the company's hand out of your wallet. And, help you make sure you get back all the money the company has stolen from your paychecks.

## **2. Why I Wrote This Wage Theft Guide for California drivers**

I wrote this California Truck & Delivery Driver Wage Theft guide for California drivers for four reasons.

First, I wrote this book for my own clients. I believe informed clients get better results. So, originally, I compiled most of this information for my clients to better understand their case. This helps me get the best result possible for each of my clients.

The second reason I wrote this California Truck & Delivery Driver Wage Theft guide for California drivers is that I don't like seeing good hard working folks get ripped off by the companies they work for. I talk to truck drivers, delivery drivers and commercial drivers every day. Time and again I see they are getting taken advantage of by the company.

The third reason I wrote this book is to level the playing field between you and the trucking and delivery companies. At times, it's appropriate to think of these companies and their lawyers as sharks. And, these sharks prey on the drivers just like you. I wrote this book to help you avoid being an easy target and becoming just another victim. I hope this guide helps you get back all of your hard earned wages.

My grandfather drove trucks. All his sons drove trucks. My Dad grew up driving trucks. He drove a bread truck in the mornings before high school. I called him Pop. Pop loved to drive.

I wasn't born with a silver spoon in my mouth. Far from it. I actually stuttered badly when I was a kid. When it came time to read aloud in class, I couldn't do it. It was so bad that Mrs. Bauer put me into remedial reading in third grade. I guess she figured I couldn't read. Not exactly a stellar start for a law career.

I rode with Pop sometimes when I was a boy, sitting in the front seat of various trucks from box trucks to tractor trailers. I remember listening to him turn up the radio when Roger Miller's *King of the Road* came on. We would sing along together. Looking back, I think Pop realized that singing along to the radio would help with my stuttering. I loved riding with Pop. I sure do miss him. Because of this, I have a big place in my heart for truck drivers.

### **3. California's King of the Road**

I am privileged to represent thousands of California truck and delivery drivers. I am blessed to represent so many good, hard-working people. Today, I am told my law firm represents more truck drivers and delivery drivers than any law firm in California. So, in that sense I am "*California's King of the Road.*"

Only I am not a king. I am a regular guy - just like you - just like the drivers that I represent. I have been bestowed the honor of being their voice. So it doesn't make me a king. It just means that I am blessed to represent so many good, hardworking, down to earth people.

### **4. Why Listen to Me?**

One of the first questions you should be asking yourself is, "Why I should follow the advice in this book?" It's a good question.

I'm a trial lawyer. I was elected President of the Consumer Attorneys of San Diego (formerly San Diego Trial Lawyers Association) I am also on the Board of Governors of Consumer Attorneys of California.

What you are going to see is that very few wage and hour class action lawyers have experience as trial lawyers. Most folks don't realize that there are many different types of lawyers and very few lawyers are actually trial lawyers.

Most class action lawyers have very little, if any, trial experience. Now realize that 98% - 99% of all class action cases settle. Your case will probably, in all likelihood, settle also. However, the reason why companies pay top dollar in settlements to trial lawyers is that at the end of the day - - they know that a trial lawyer will be facing them in court - - if they don't settle. It is that threat that gets you the best result.

I've had the good fortune of being recognized by my peers. I have been repeatedly awarded Super Lawyer, given the highest rating by Avvo.com, and named a Top Attorney repeatedly in the New York Times and Los Angeles Magazine.

I have been extensively published. And, I am often asked to teach other lawyers on wage and hour class actions. For example as a repeat invited speaker at ACI Wage and Hour Class Action Seminars.

I am named as Amicus Counsel on over 20 California Supreme Court cases.

And I represent the workers in the ground-breaking 2012 California Supreme Court case - *Brinker vs. Superior Court*. This is the case that affected every worker in California, including you. This case has paved the way for you to get back the money that the company has ripped off from you.

I have offices up and down California: San Francisco, Oakland, Bakersfield, Los Angeles and San Diego.

**5. Why Fantastic Ratings, Awards, Teaching, and Leadership Are a Benefit to You**

I don't mean to suggest the only way someone can be a really good wage and hour class action lawyer is to have fantastic ratings, win prestigious lawyer awards, be asked to teach other lawyers about the wage and hour law at lawyer seminars, or be elected to lead lawyer organizations. What these things do mean is that people who do know good lawyers from bad lawyers have chosen me for these honors.

## **6. Disclaimer**

Please keep in mind that although my goal is to inform, nothing in this California driver wage and hour guide constitutes or is intended to constitute legal advice and should not be taken as legal advice. This guide provides an overview of California wage and hour law for truck drivers, delivery drivers and commercial drivers.

You need to be the judge as to whether your personal circumstances are similar or dissimilar to those described in this book. You will see this book in no way attempts to be exhaustive on any of these subject areas. I am simplistic in order to achieve clarity.

You are cautioned that the facts and circumstances described in this book may differ from your particular case or evidence. Every case is different, with its own unique facts and issues. In other words, your mileage may vary.

Please be cautioned here, you need to make sure that the lawyer you consult with specializes in driver wage and hour class actions. The law pertaining to drivers is in some instances very different from other California workers.

In addition, you need to consider that the law is dynamic. In other words the law can and does change. This is another reason why if you have any questions or concerns that the company has stolen your wages, you should consult with a California wage and hour lawyer that specializes in truck drivers, delivery driver and commercial drivers.

The circumstances, events and case studies described herein are not intended to describe actual events or persons. Any resemblance to real cases, events, truck companies, delivery companies and/or persons is purely coincidence.

## **Chapter II. What is a Wage and Hour Class Action Lawsuit?**

A class action is a type of lawsuit in which one or several persons sue on behalf of a larger group of persons. In almost every class action the issues in dispute are common to all members of the class. In addition, the persons affected are so numerous as to make it impracticable to bring them all before the court.

When this is the situation, the law allows as few as one person to represent the entire class of people that have been affected by the illegal action. Depending upon the type of class action, resolution of the lawsuit usually binds all members of the class certified by the Court.

A wage and hour class action allows you, an individual, to sue the company on behalf of yourself and all workers that have had their wages stolen by the company. When you have had your wages stolen by the company, it is likely that your co-workers have also had their wages stolen by the company.

When this happens, it may not be practical for you to sue the company for an individual case. Lawsuits are very, very expensive. Usually, the company will lawyer-up with a high priced gun for a lawyer. When you bring an individual case for your wages, it is rare for you to be able to find a lawyer that can go toe to toe with the company's high-priced lawyer. This is because your lawyer will usually advance the costs, and the fees may not be enough to provide the incentive for the best lawyers to be involved.

However, with a class action lawsuit, you can get a really, really good lawyer that regularly takes down big companies and has the resources to advance the money to beat the company.

A class action lawsuit allows you to be a David against the company Goliath. In many instances when the company is mid-sized company or even a huge national type company, a class action is the best way to get your stolen wages back.

## **7. Wage and Hour Class Action Class Representative's Enhancement or Incentive Payment**

You may be asking yourself, "Why should I be a class representative in a wage and hour class action?"

Another question you might have is, “What’s in it for me?” Or, “why should I be a class representative in a wage and hour class action?” These are valid questions. Here are some answers:

#### Not being a silent victim

You don’t have to be a silent victim. You don’t have to allow the company to get away with wrongly taking your hard earned wages. There is a lot to be said about the satisfaction of standing up for your rights. There is a lot to be said about standing up and saying, “I’m not going to take it anymore.”

#### Getting Your Hard Earned Wages Back

Second, with successful cases, you are going to get your wages back. You are getting your money back, so to speak. I don’t know about you, but for most of my clients, getting back the money the company stole from them is pretty high on their list.

#### Getting Co-Workers Their Money

When you bring a wage and hour class action you are going to help your co-workers get their wages back. There is a lot of satisfaction in helping other people.

#### Getting a Class Representative Enhancement

By being a class representative, you will oftentimes be entitled to a class representative’s enhancement or an incentive payment. Both federal law and California law allow class representative’s enhancement or an incentive payment. Of course, this has to be approved by the court.

A class representative, in essence, represents the class of workers in a wage and hour class action.

When there is a wage and hour class action lawsuit settlement, class representatives are often times awarded extra “incentive” or “service” payments to compensate them for the extra time and effort they performed and by being the one that brought the case.

Under both Federal and California law - wage and hour class representatives are often provided additional compensation for the expense and time they incurred in bringing the wage and hour class action lawsuit.

For example, enhancement payments of \$7,500 are common and sometimes up to \$15,000 and more. Meaning, the court compensates you for your time and efforts in bringing these wage and hour class action lawsuits.

### **Chapter III. California Wage Orders**

The Industrial Welfare Commission (“IWC”) was established to regulate wages, hours and working conditions in California. IWC wage orders must be posted by all companies/ employers in an area frequented by employees, where they may be easily read during the workday.

The IWC is currently not in operation. The Division of Labor Standards Enforcement (DLSE) is supposed to enforce the provisions of the wage orders.

#### **8. Wage Order No. 9 - Transportation Industry**

Wage Order No. 9 applies to the transportation industry in California. This is important for several reasons. The first reason why this is important is that it defines who is covered by Wage Order 9. Here is a list of the occupations directly covered under Wage Order No. 9.

“Transportation Industry” means any industry, business or establishment operated for the purpose of conveying persons or property from one place to another whether by rail, highway, air or water, and all operations and services in connection therewith; and also includes storing or warehousing of goods or property, and the repairing, parking, rental, maintenance, or cleaning of vehicles.

Here is a list of the industries covered by Wage Order No. 9:

- Airlines
- Ambulance service
- Armored car service
- Boat rentals
- Boats, cruise, ferry

Bus lines  
Buses, tour  
Car loading  
Car rentals  
Car washes, when not in retail business  
Courier service  
Cruise boats  
Express and parcel delivery companies  
Ferryboats  
Garages, repair (except when operated by vehicle dealer or gas station, see Order 7)  
Garages, storage  
Garbage collectors  
Limousine service  
Logging trucks, commercial (for on-site logging, see Order 16)  
Maintenance of vehicles, e.g., garages, car washes, etc., if not connected with gas station or vehicle dealer (if connected with gas station or vehicle dealer, See Order 7)  
Mini-storage connected with a transportation firm (if not connected with a transportation firm, see Order 5)  
Moving and storage warehousing (of commodities moved)  
Parcel delivery service  
Parking lots  
Railways  
Rental of vehicles (cars, trucks, boats, ships, airplanes)  
Repairs to vehicles (except when operated by vehicle dealer or gas station, see Order 7)  
Ship rental  
Ship repair  
Stevedoring  
Storage and moving warehouse (of commodities moved)  
Storage garages  
Taxi service, including water taxis  
Tire aligning and balancing companies  
Tour buses, companies  
Tow companies  
Transportation companies  
Trucking, including commercial trucking of farm products  
Truck rental

Vehicle rental, including boats and ships

Vehicle repairs (except when operated by vehicle dealer or gas station, see Order 7)

Warehousing and storage (of commodities moved)

Water taxi service

As you can see; truck drivers, delivery drivers and commercial drivers are covered by Wage Order No. 9.

The second reason has to do with determining whether you fall under California law or Federal law. This is covered in the Overtime section of this book.