

File No. 190470

Committee Item No. \_\_\_\_\_

Board Item No. 34

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: May 7, 2019

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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Prepared by: Lisa Lew

Date: May 3, 2019

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Support for Kome Seafood Buffet Workers' Demands to Settle Wage Claims]

2  
3 **Resolution supporting Kome Seafood Buffet workers' demands to settle wage claims**  
4 **by paying workers the wages and penalties that are owed to them; supporting laid off**  
5 **workers' demands to have the Right of Refusal to be reemployed with the company;**  
6 **and urging the People of San Francisco to refrain from patronizing Kome Seafood**  
7 **Buffet or Teakee Café until the California Labor Commissioner's citation and case is**  
8 **resolved.**

9  
10 WHEREAS, San Francisco has historically been a champion for workers, paving the  
11 way for workers' rights like the \$15 minimum wage, and community-based alliances like the  
12 San Francisco Progressive Workers Alliance (PWA) which educates and organizes thousands  
13 of workers to fight wage theft and empower low-wage workers; and

14 WHEREAS, The restaurant industry is a key employer and economic driver in the Bay  
15 Area and throughout California, and is a sector with notoriously poor and unsafe work and  
16 health conditions where wage theft and low-wage jobs are widespread; and

17 WHEREAS, Wage theft in the restaurant industry has a regional impact, contributing to  
18 income inequality, displacement, and healthcare insecurity; and

19 WHEREAS, Wage theft and minimum wage violations alone cost California workers \$2  
20 billion a year, an estimated \$30 billion is stolen annually from U.S. workers, and wage theft  
21 disproportionately affects immigrant and low-wage workers; and

22 WHEREAS, In 2017, the Bureau of Field Enforcement (BoFE), the investigative unit of  
23 the California Labor Commissioner's Office, issued a \$5.16 million citation to the owners of  
24 Kome Seafood Buffet in Daly City for wage theft violations impacting 133 immigrant workers  
25 ranging from cleaning staff, kitchen staff, waiters, and food servers; and

1           WHEREAS, Workers have also filed individual wage theft claims for stolen tips against  
2 the Kome employers; and

3           WHEREAS, In 2018, the California Labor Commissioner's Office, ordered the owners  
4 of Kome to pay approximately \$61,000 in backwages, fines and penalties for retaliation, after  
5 one worker was unjustly terminated for participating in the wage theft investigation and other  
6 protected activity; and

7           WHEREAS, The workers in partnership with community-based organizations have  
8 taken brave steps to ask the owners of Kome Seafood Buffet to resolve the citation, and  
9 instead, the owners have appealed the citation and have carried out actions perceived as  
10 retaliatory and intimidating to workers; and

11           WHEREAS, The owners of Kome Seafood Buffet; Wendy Lai Ip, an individual; Gang  
12 Zhou, an Individual; Jun Zheng, an Individual; Bai Dong Zhang, an Individual; David Leung,  
13 an Individual; Tiffany Leung, an Individual; Koshi Food Services Inc., a Corporation; Kome  
14 Seafood Buffet Inc., a Corporation, are all named in the citation as liable and responsible for  
15 paying for the citation and should be held accountable to improve work conditions by adhering  
16 to the State labor code; and

17           WHEREAS, In April 2018, one owner, David Leung, publicly spoke on Chinese-  
18 language TV news (KTSF) about buying and renovating the ABC cafe restaurant at Noriega  
19 Street in the Sunset, and the restaurant has since been renamed Teakee Cafe, and Kome  
20 employers have still not paid the original \$5.16 million citation; and

21           WHEREAS, In January of 2019, workers at Kome were subsequently laid off by Kome  
22 employers without the advance notice advocates assert is required by the state WARN Act,  
23 which requires employers of a certain size to give workers 60-days notice before a mass  
24 layoff or pay-in-lieu-of-notice; and

1           WHEREAS, The San Francisco Labor Council, San Mateo Labor Council, Alameda  
2 Labor Council, over 300 individuals, and 37 other community and labor organizations  
3 throughout California have endorsed the Kome Workers Campaign for Dignity campaign to  
4 express their support for the workers and the need for responsible business practices; and

5           WHEREAS, On November 26, 2018, the Daly City Council unanimously passed a  
6 Resolution to stand with workers and denounce wage theft practices in their city; and

7           WHEREAS, Other employers investigated by the Labor Commissioner's Office for  
8 wage theft have chosen the high road, such as in 2014, when acclaimed Yank Sing dim sum  
9 restaurant reached a \$4 million settlement for back wages, paid workers, and changed  
10 workplace practices to not only resolve past violations but to become model employers in the  
11 industry; more recently in January of 2019, the Bay Area Burmese restaurant chain Rangoon  
12 Ruby reached a \$4 million settlement with the Labor Commissioner's Office; now, therefore,  
13 be it

14           RESOLVED, That the San Francisco Board of Supervisors express its full support for  
15 the worker's demands to settle the wage claim by paying workers the wages and penalties  
16 that are owed to them; and, be it

17           FURTHER RESOLVED, That when the Kome Seafood Buffet reopens, all of the laid off  
18 staff should have the Right of Refusal to be reemployed with the company; and, be it

19           FURTHER RESOLVED, That the San Francisco Board of Supervisors commits to  
20 support low-wage workers by condemning wage theft in the City and County of San Francisco  
21 and throughout the Bay Area; and, be it

22           FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the  
23 People of San Francisco to refrain from patronizing Kome Seafood Buffet or Teakee Cafe, nor  
24 any other businesses known to be operated by owners of Kome, until the BoFE citation and  
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1 case is resolved and the workers have been fully compensated for the violations they have  
2 experienced.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2019 APR 25 PM 4:16  
Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion):
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Supervisor Mar; Ronen, Peskin, Fewer

Subject:

Support for Kome Seafood Buffet Workers' Demands to Settle Wage Claims

The text is listed:

Resolution supporting Kome Seafood Buffet workers' demands to settle wage claims by paying workers the wages and penalties that are owed to them, supporting laid off workers' demands to have the Right of Refusal to be reemployed with the company, and urging the People of San Francisco to refrain from patronizing Kome Seafood Buffet or Teakee Café until the California Labor Commissioner's citation and case is resolved.

Signature of Sponsoring Supervisor:

[Handwritten Signature]

For Clerk's Use Only