

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

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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.**

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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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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190470

Date Passed: May 14, 2019

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.

May 07, 2019 Board of Supervisors - CONTINUED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Ronen, Safai, Stefani, Walton and Yee
Excused: 1 - Peskin

May 14, 2019 Board of Supervisors - ADOPTED

Ayes: 9 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Safai, Stefani and Yee
Excused: 2 - Ronen and Walton

File No. 190470

I hereby certify that the foregoing Resolution was ADOPTED on 5/14/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

5/24/19

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



for Angela Calvillo
Clerk of the Board

5/24/2019

Date

File No.
190470