

CALIFORNIA COURT OF APPEAL, THIRD APPELLATE DISTRICT

Parsons v. Estenson Logistics, LLC

Parsons · No. C093489 · Decided December 28, 2022

SUMMARY

The California Court of Appeal affirmed summary judgment for Estenson Logistics in a PAGA action challenging its practice of paying weekly wages on the Monday following a Saturday deadline. The court held that Code of Civil Procedure section 12a extends the Labor Code section 204(d) payment period when the seventh calendar day falls on a weekend or holiday.

CASE DETAILS

COURT	California Court of Appeal, Third Appellate District
WRITING FOR THE COURT	Earl, J.; Robie, Acting P. J.; Krause, J.
JURISDICTION	California
DECIDED	December 28, 2022
DOCKET	C093489
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a superior court judgment granting the employer's motion for summary judgment in a PAGA wage-and-hour action.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Statutory interpretation and application of a statute to undisputed facts are also reviewed de novo. The judgment may be affirmed on any ground that is correct, regardless of the trial court's stated reasons.
PRECEDENTIAL VALUE	Published and certified for publication; precedential California Court of Appeal opinion.
PARTIES	Robert Parsons v. Estenson Logistics, LLC

TOPICS

wage and hour

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

employment law

wage and hour

appellate procedure

QUESTIONS PRESENTED

1. Whether Code of Civil Procedure section 12a applies to the seven-calendar-day wage-payment period in Labor Code section 204, subdivision (d).
2. Whether wages due under Labor Code section 204, subdivision (d), on a Saturday, Sunday, or holiday may be paid on the next day that is not a holiday.
3. Whether summary judgment for Estenson was proper on the undisputed facts.

HOLDINGS

1. Code of Civil Procedure section 12a applies to the time limit in Labor Code section 204, subdivision (d), because section 12a expressly applies to provisions of law in any code or statute requiring an act to be performed within a specified period of time.
2. When weekly-paid wages are due under Labor Code section 204, subdivision (d), on a weekend or holiday, the employer may pay them on the next day that is not a holiday.
3. Summary judgment for Estenson was proper because the relevant facts were undisputed and its payment practice did not violate Labor Code section 204, subdivision (d), as construed with Code of Civil Procedure section 12a.

KEY QUOTATIONS

“Section 12a’s rule thus expressly applies both to “this code” (i.e., the Code of Civil Procedure), and also to “any other code or statute,” which would include the Labor Code in general and section 204(d) in particular.” (7)

“Here, we apply the rule in section 12a to the time limits in section 204(d), and we hold that when weekly-paid wages are due on a weekend or a holiday, they may be paid on the next day that is not a holiday.” (14)

“The judgment is affirmed. Estenson shall recover its costs on appeal.” (15)

FACTUAL BACKGROUND

Estenson paid its employees weekly, with pay periods running from Sunday through Saturday. Its practice was to pay employees on the second Monday after the pay period ended, which was nine calendar days after the close of the period, or on Tuesday if Monday was a holiday. Parsons contended that Labor Code section 204, subdivision (d), required payment no later than the seventh calendar day, including when that day fell on a Saturday, and brought a PAGA claim challenging the practice.

PROCEDURAL HISTORY

Parsons brought a PAGA action alleging that Estenson violated Labor Code section 204, subdivision (d), by paying weekly wages on the ninth calendar day after the close of the payroll period when the seventh day fell on a Saturday. The Sacramento County Superior Court granted Estenson's motion for summary judgment and entered judgment for Estenson. The Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Tidewater Marine Western, Inc. v. Bradshaw (1996) 14 Cal.4th 557, 568-577
- Alvarado v. Dart Container Corp. of California (2018) 4 Cal.5th 542, 557
- Intel Corp. v. Hamidi (2003) 30 Cal.4th 1342, 1348
- Lazarin v. Superior Court (2010) 188 Cal.App.4th 1560, 1569
- Truck Ins. Exchange v. County of Los Angeles (2002) 95 Cal.App.4th 13, 20
- United Community Church v. Garcin (1991) 231 Cal.App.3d 327, 337
- Alford v. Industrial Accident Com. (1946) 28 Cal.2d 198, 200
- DeLeon v. Bay Area Rapid Transit Dist. (1983) 33 Cal.3d 456, 457
- McAvoy v. Harvey L. Lerer, Inc. (1995) 35 Cal.App.4th 1128, 1131-1132
- Valdez v. Seidner-Miller, Inc. (2019) 33 Cal.App.5th 600, 608-610
- In re Porterfield (1946) 28 Cal.2d 91, 100
- Mejia v. Reed (2003) 31 Cal.4th 657, 663
- French v. Smith Booth Usher Co. (1942) 56 Cal.App.2d 23, 26-27
- Brown v. Kelly Broadcasting Co. (1989) 48 Cal.3d 711, 725
- Walt Disney Parks & Resorts U.S., Inc. v. Superior Court (2018) 21 Cal.App.5th 872, 879
- Dyna-Med, Inc. v. Fair Employment & Housing Com. (1987) 43 Cal.3d 1379, 1387
- Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles (2012) 55 Cal.4th 783, 805
- Oman v. Delta Air Lines, Inc. (2020) 9 Cal.5th 762, 777
- Voris v. Lampert (2019) 7 Cal.5th 1141, 1148
- Skidgel v. California Unemployment Ins. Appeals Bd. (2021) 12 Cal.5th 1, 26
- Ferra v. Loews Hollywood Hotel, LLC (2021) 11 Cal.5th 858, 865
- Troester v. Starbucks Corp. (2018) 5 Cal.5th 829, 839