

California Wage and Hour Law

AN OVERVIEW

YOUR LEGAL RIGHTS

This publication provides a brief summary of basic wage and hour laws in California and does not discuss exemptions from these laws that cover certain employees. For more information, see the additional Fact Sheets published by the Legal Aid Society – Employment Law Center at www.las-elc.org or contact the nearest office of the California Labor Commissioner. To find the nearest office of the Labor Commissioner, look in the California government listings in your local phone book under Department of Industrial Relations, Division of Labor Standards Enforcement or visit www.dir.ca.gov/dlse.

1. Minimum Wage

The minimum wage in California is \$7.50 per hour effective January 1, 2007 and \$8.00 per hour effective January 1, 2008. (The minimum wage in San Francisco is \$9.14 per hour effective January 1, 2007.) Minors and some individuals in training positions can be paid less than the minimum wage, within limits. Even employees who are paid by the piece or on commission must be paid an amount equivalent to the minimum wage for hours worked. For more information see our Fact Sheet titled “**Minimum Wage.**”

2. Meal and Break Periods

Employees must be given a 30-minute, unpaid meal period for every 5 hours worked in a day. Employees must also be authorized to take a 10-minute paid rest break for every 4 hours worked in a day. For more information, see our Fact Sheet titled “**Rest Breaks and Meal Breaks.**”

3. Uniforms, Tools and Equipment

Clothing and equipment required by the job normally must be paid for by the employer. An employer cannot deduct the cost of uniforms or equipment from the employee's pay, but the employer can require a reasonable deposit. For more information see our Fact Sheet titled “**Uniforms, Tools and Equipment.**”

4. Food, Lodging and Transportation

An employer providing food and/or lodging to an employee cannot credit the value of these items toward the requirement to pay minimum wage without the voluntary, written agreement of the employee. Even if there is a written agreement, there are limits on the amounts an employer can deduct for food and lodging. If an employer provides transportation, it must pay the costs of the transportation.

5. Overtime Pay

California law provides for daily overtime pay of 1½ times the regular wage after 8 hours worked in a day and after 40 hours worked in a week for all non-exempt employees. An employer must also pay non-exempt employees 2 times the regular wage after 12 hours worked in a day. For more information, see our Fact Sheet titled “**Overtime Pay.**”

6. Records of Hours Worked

Employers must keep records for each employee of daily hours worked and rate of pay. If your employer does not keep accurate records and you have a dispute about hours worked, the Labor Commissioner will accept your own records as evidence.

7. Holidays, Vacation, and Sick Pay

Employers are not legally required to provide paid holidays, vacation, sick days, or PTO. However, if your employer has promised to give you such days off with pay or has been in the practice of doing so, you may be able to enforce payment as a verbal, written, or implied contract. If you earn vacation pay, your employer must pay you all earned but unused vacation when you leave the job (this rule normally does not apply to sick pay). For more information see our Fact Sheet titled “**Vacation Pay / Sick Pay.**”

8. Exempt Employees

Independent contractors, and some professionals, executives, and administrators are exempt from minimum wage, overtime and record-keeping provisions. So are certain categories of workers, such as outside (traveling) salespeople, and some government employees, and personal attendants. The actual requirements and circumstances of the job, not the employee's label or job title, determine whether the employee is exempt and many employers call workers exempt even when they should not. For more information see our Fact Sheet titled “**Exemptions from Overtime Pay.**”

9. Final Pay

If you are fired or laid off from your job, all wages (including earned, unpaid vacation time) should be paid in full at the time of termination. If you quit your job and give more than 72 hours' notice, all wages should be paid at the time you leave your job. If you give less than 72 hours' notice, all wages should be paid within 72 hours of your last day. For more information see our Fact Sheets titled “**Getting Your Final Paycheck**” and “**Vacation Pay / Sick Pay.**”

10. Violations of the Law / Unpaid Wages

If you think your employer has violated any of these laws or that you may be owed unpaid wages, you can file a claim with the Labor Commissioner's office. To find the nearest office of the Labor Commissioner, look in the California government listings in your local phone book under Department of Industrial Relations, Division of Labor Standards Enforcement or visit www.dir.ca.gov/dlse. For more information on how to file a wage claim, see our Fact Sheet titled "**Do-it-Yourself Recovery of Unpaid Wages: How to Represent Yourself Before the California Labor Commissioner.**"

11. Retaliation

It is illegal for an employer to fire or discriminate against anyone who complains about a violation of the wage and hour laws or reports a violation to the Labor Commissioner.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society - Employment Law Center cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

For further information about your employment rights, please call:

The Workers' Rights Clinic

415-864-8208 (SF Bay Area) or **866-864-8208** (Toll Free in CA)

The Workers' Rights Clinic is a project of The Legal Aid Society - Employment Law Center, a non-profit organization focusing on the employment-related legal rights of low-income workers and providing free legal information on a wide range of employment-related problems.