

# CALIFORNIA STATE WAGE AND HOUR GUIDELINES

POST WHERE EMPLOYEE MAY READ EASILY

- VIOLATORS SUBJECT TO PENALTIES -

## Employers Must Pay For All Hours Worked Unless the Employee Is Exempt

An exempt employee is someone who:

- Receives a salary that is at least twice minimum wage AND
- Supervises 2 or more employees AND
- Performs supervisory duties over 50% of the time OR
- Performs professional or high-level administrative duties over 50% of the time

## Employers Must Pay At Least Minimum Wage

- Tips cannot be deducted from wages; supervisors cannot share tips

## Employers Must Pay Overtime to Employees Who Are Not Exempt from Overtime

Employers must pay 1.5 times regular pay

- After 8 hours in a day
- After 40 hours in a week
- The first 8 hours on the 7th consecutive day of work

Employers must pay 2 times regular pay

- After 12 hours in a day
- After 8 hours on the 7th consecutive day of work

## Meal Periods and Rest Breaks

- Employers must relieve workers of all duty during an unpaid 30 minute meal period for every 5 hours worked
  - If employees work 6 hours total, a meal period may be waived by mutual consent of the employer and employee
- Employers must provide a second unpaid 30 minute meal period after 10 hours
  - If employees work less than 12 hours the second meal period may be waived by mutual consent of the employer and employee as long as the first meal period was taken
- Employers must provide a 10 minute rest break for every 4 hours of work
- Employers need not provide a rest period for work of 3.5 hours or less
- Employers must pay 1 hour's pay for missed meal periods and rest breaks for a total of 2 hours per day

## Sick Leave

- Employers must provide an hour of paid leave for every 30 hours worked
- Employers must provide at least 24 hours or 3 days of paid leave per year

## Reporting Time Pay

- Employers must pay at least half of an employee's usual hours if they were scheduled and reported but were not put to work or were given less than their scheduled hours

## Wages are due immediately if an employee is fired and in 72 hours if an employee quits.

If you have experienced wage theft, file a wage claim with the State Labor Commissioner's Office.

Department of Labor Standards Enforcement: San  
Jose  
100 Paseo de San Antonio,  
San Jose, CA 95113  
(408) 277-1266  
LaborComm.WCA.SJO@dir.ca.gov

Department of Labor Standards Enforcement: SF  
455 Golden Gate Ave., 10th Floor  
San Francisco, CA 94102  
(415) 703-5300  
LaborComm.WCA.SFO@dir.ca.gov

To learn more, visit: <http://wagetheftisacrime.com/file-wage-claim.html>