

The Great Seal of the State of California is a circular emblem. It features a central figure, Minerva, seated and holding a spear. She is surrounded by various symbols of industry and agriculture, including a miner, a plow, and a sheaf of wheat. The seal is encircled by the text "THE GREAT SEAL OF THE STATE OF CALIFORNIA" and the word "EUREKA" is written across the top. The background of the seal depicts a landscape with mountains, a bay with ships, and a field.

All Workers in California Have Rights

It does not matter where an employee was born or what their legal status is. Once an employee has been hired, they have rights

LCO Overview

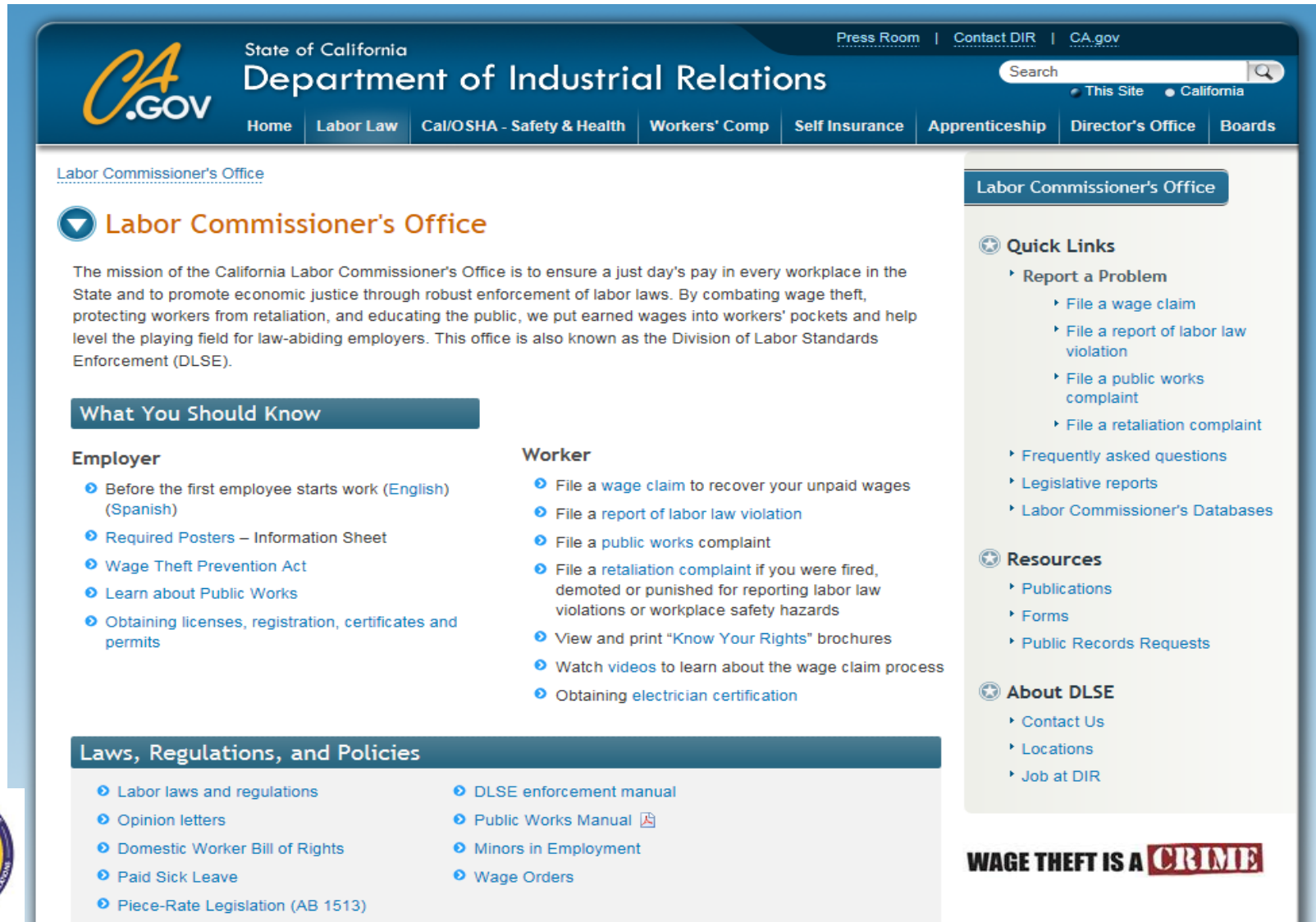
The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the state and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers. This office is also known as the Division of Labor Standards Enforcement (DLSE).

Disclaimer

- *This information is provided for general information only. None of the information provided here should be interpreted as providing legal advice or a separate attorney client relationship. Applicability of the information discussed may differ in individual situations. You should not act on the information presented here without consulting an attorney about your particular situation.*

DLSE Home Page

www.dir.ca.gov/dlse



The screenshot shows the official website of the California Labor Commissioner's Office (DLSE). The header features the State of California Department of Industrial Relations logo and navigation links for Press Room, Contact DIR, and CA.gov. A search bar is located in the top right corner. The main navigation menu includes Home, Labor Law, Cal/OSHA - Safety & Health, Workers' Comp, Self Insurance, Apprenticeship, Director's Office, and Boards. The page content is organized into several sections: a mission statement, a 'What You Should Know' section with links for Employers and Workers, a 'Laws, Regulations, and Policies' section, and a 'Labor Commissioner's Office' sidebar with Quick Links, Resources, and About DLSE information. A 'WAGE THEFT IS A CRIME' banner is visible at the bottom right.

State of California
Department of Industrial Relations

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[Labor Commissioner's Office](#)

▼ Labor Commissioner's Office

The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the State and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers. This office is also known as the Division of Labor Standards Enforcement (DLSE).

What You Should Know


Employer

- Before the first employee starts work ([English](#)) ([Spanish](#))
- [Required Posters – Information Sheet](#)
- [Wage Theft Prevention Act](#)
- [Learn about Public Works](#)
- [Obtaining licenses, registration, certificates and permits](#)

Worker

- File a [wage claim](#) to recover your unpaid wages
- File a [report of labor law violation](#)
- File a [public works complaint](#)
- File a [retaliation complaint](#) if you were fired, demoted or punished for reporting labor law violations or workplace safety hazards
- [View and print "Know Your Rights" brochures](#)
- [Watch videos](#) to learn about the wage claim process
- Obtaining [electrician certification](#)

Laws, Regulations, and Policies

- [Labor laws and regulations](#)
- [Opinion letters](#)
- [Domestic Worker Bill of Rights](#)
- [Paid Sick Leave](#)
- [Piece-Rate Legislation \(AB 1513\)](#)
- [DLSE enforcement manual](#)
- [Public Works Manual](#) 
- [Minors in Employment](#)
- [Wage Orders](#)

Labor Commissioner's Office

★ Quick Links

- [Report a Problem](#)
 - [File a wage claim](#)
 - [File a report of labor law violation](#)
 - [File a public works complaint](#)
 - [File a retaliation complaint](#)
- [Frequently asked questions](#)
- [Legislative reports](#)
- [Labor Commissioner's Databases](#)

★ Resources

- [Publications](#)
- [Forms](#)
- [Public Records Requests](#)

★ About DLSE

- [Contact Us](#)
- [Locations](#)
- [Job at DIR](#)

WAGE THEFT IS A CRIME



Wages – Labor Commissioner’s Definition

- All amounts for labor performed by employees of every description



Employees Must Be Compensated For ALL Hours Worked

Employees are to be paid by the piece or unit (sometimes called “by contract”) or paid by the day or week, wages still must equal at least minimum wage for EACH hour worked.

*** Tips are separate and cannot be counted as part of minimum wage.



Employees Must Be Compensated for All Hours Worked !!! - Con't)

- Punch out between jobs/clients?
- Working “off the clock”?
- Standby Time
- Staff meetings?
- Mandatory Lunches?
- Blended Wage?



**MINIMUM
WAGE**

Compensation for All Hours Worked – Con't

- Working Interviews
- Training or “try out”
- Consultations
- Lunch & Learns
- Staff Meetings



**MINIMUM
WAGE**

Minimum Wage

Employers Must:

1. Pay at least the minimum wage. The California Minimum wage effective January 1, 2021 is:

- \$14.00 per hour for workers at businesses with 26 or more employees.
- \$13.00 per hour for workers at small businesses (25 or fewer employees).

***Higher in some cities and counties.



California Minimum Wage Schedule

- Fact Sheet: Boosting California's Minimum Wage to \$15/Hour
- Scheduled Wage Increases (If No Increases Are Paused)

	<u>26 EE's or More</u>	<u>25 EE's or Less</u>
• \$14/hour	January 1, 2021	January 1, 2022
• \$15/hour	January 1, 2022	January 1, 2023

Note: After 2023, wages will be indexed for annual inflation.



Counties & Cities with Minimum Wage Ordinances (MWO)

- Sample List of California Cities/Counties

Berkeley, CA

Cupertino, CA

El Cerrito, CA

Emeryville, CA

Los Altos, CA

Los Angeles (City & County)

Malibu, CA

Mountain View, CA

Oakland, CA

Palo Alto, CA

Pasadena, CA

Richmond, CA

San Diego, CA

San Francisco, CA

San Jose, CA

San Leandro, CA

San Mateo, CA

Santa Clara, CA

Sunnyvale, CA



Federal Minimum Wage

Federal Minimum Wage is \$7.25 per hour

The Federal Minimum Wage has been \$7.25 per hour since July, 2009



Wages

- Overtime - LC, sections 510, 1450-1454 and IWC, section 3(A)
- Domestic Worker Bill of Rights
- Weighted average
- Comp time
- Makeup time
- Alternate work week - LC, section 511 and IWC, section 3
 - Election
 - Repeal (by employees/by employer)
 - Filing with the Director's Office of Policy, Research, and Legislation (OPRL)



Make Up Time

- If an employer approves a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the work time was lost, may not be counted toward computing the total number of hours worked in a day for purposes of the overtime requirements, except for hours in excess of 11 hours of work in one day or 40 hours of work in one workweek. While an employer may inform an employee of this makeup time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same workweek pursuant to this section.



Blended Wages

- Different pay for different jobs
- Pay reductions
- Travel time
- Requires PRIOR notification



2. Pay overtime equal to 1-1/2 times the regular rate of pay:

- For most occupations, all hours over 8 in one day or over 40 in one week, and for the first 8 hours of work on the 7th day of work in a work week.



3. Pay Double Time:

- For most occupations, all hours over 12 in one day or over 8 on the 7th day of work in a workweek.

Example: if a person making \$20.00 per hour and works 13 hours in one day, they must be paid:

\$20.00 per hour first 8 hours

\$30.00 per hour for the next 4 hours

\$40.00 per hour for the last hour.



Reporting Time Pay?

- Ex 1: If employee is scheduled for an 8 hour shift and you send them home after only 2 hours of work, employee **MUST** be paid 4 hours of Reporting Time Pay.
- Ex 2: If employee is scheduled for a 4 hour shift and you send them home after 1 hour of work, employee **MUST** be paid 2 hours of Reporting Time Pay.



4. Pay employees (with certain exceptions) at least twice a month on designated regular paydays.

- With each payment of wages, whether by cash or check, the employer must provide a wage statement that includes:

- A. Pay period dates
- B. Gross wages earned
- C. Total hours worked
- D. Breakdown of hourly rates and hours
- E. All deductions broken out (next page)



Example of Pro-Rata Vacation Calculation

- Employee is promised 40 hours (1 week) per year.
- Employee's hire date is January 1, 2012.
- Employee's separation date is May 25, 2012.

Calculation:

- $40 \text{ hours} \div 365 \text{ days in one year} = 0.109589$.
- $\text{Jan. 1, 2012 to May 25, 2012} = 145 \text{ calendar days}$.
- $145 \text{ days} \times 0.109589 = 15.89 \text{ hours due}$.



Reimbursement of Business Expenses (LC, Section 2802)

- Mileage (.56 cents per mile)
- Tolls
- Parking
- Meals (reimbursement)
- Vehicle insurance
- Uniforms and equipment



Termination Requirements

- DLSE
 - Discharge/quit - LC, Sections 201 and 202
 - Waiting time penalty - LC, Section 203
 - Final wages (All earned wages, including [vacation](#))
 - LC, Section 227.3

Retaliation Complaint Unit

- **LC Section 98.7** – Employers are not allowed to retaliate against employees who engage in protected activities under the jurisdiction of the Labor Commissioner.
- May file complaint within six months after the occurrence of the violation.



Statute of Limitations to File Claims

- 3 years if there is an oral employment agreement.
- 4 years if there is a written employment agreement.
- How can you tell the difference?



Workplace Postings

- IWC Order(s) - Generally IWC, section 22
- Payday notice - LC, section 207
- Minimum wage (state) - LC, section 1183(d)
- Wage theft protection template - LC, section 2810.5 (Paid Sick Leave, AB 1522)
- Workers' compensation - LC, section 3550
- Whistleblower protections - LC, section 1102.8
- Time off to vote - Elections Code 14001
- Complete listing available at:

dir.ca.gov/wpnodb.html





Thank You!

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