

Minimum Wage in California

In California, your employer must pay you at least the minimum wage for your work.

Effective January 1, 2024, all employers, regardless of size, must pay at least \$16/hour.

Some cities have minimum wage requirements higher than the state's. In those places, employers must pay that higher minimum wage.

For work performed in **San Francisco**, as of July 1, 2023, the minimum wage is \$18.07/hour.

For work performed in **Oakland**, as of January 1, 2024, the minimum wage is \$16.50/hour.

For work performed in **Emeryville**, as of July 1, 2023, the minimum wage is \$18.67/hour.

Other cities also have local minimum wage ordinances. Contact the Asian Law Caucus for more information.

Overtime

If you work more than 40 hours in a week (weekly overtime) or more than 8 hours in a day (daily overtime), you must be paid overtime at the rate of 1.5 times your hourly rate. The first 8 hours worked every day are "regular hours" and count towards both daily and weekly overtime.

If you work more than 12 hours in a day, you must be paid 2 times your hourly rate.

For example, if your hourly wage is \$18 per hour and you work 13 hours per day, 6 days a week, you should be paid:

Regular rate	\$18 x 40 regular hours: 8 hours per day for the first 5 days	= \$720
OT rate (1.5x)	\$18 x 1.5 x 32 hours: 20 hours of daily OT (4 hours more than 8 regular hours per day for 5 days) + 12 hours of weekly OT (more than 40 regular hours in 1 week, worked on the 6 th day)	= \$864
Double time	\$15.50 x 2 x 6 hours: 1 hour over 12 per day for 6 days	= \$216
Total gross pay		\$1800

In addition, if you work seven consecutive days in a workweek, on the seventh day, you must be paid 1.5 times your hourly rate for the first 8 hours and 2 times your hourly rate for any additional hours.

NOTE: Some workers are exempt from the minimum wage and overtime laws. Contact the ALC to determine if you are an exempt employee.

Additional Rights

No Waivers: You cannot give up your right to minimum wage and overtime pay. Even if you agreed to be paid less than the minimum wage, your employer is still obligated by law to pay you minimum wage and overtime pay. Regardless of any agreement you made with your employer to "give up" these rights, you can and should file a wage claim.

Retaliation: It is illegal for an employer to fire or discipline you for filing a wage claim or asking to be paid minimum wage or overtime wages.

Meals/Rest Breaks: You have the right to take a paid rest period of at least 10 minutes for each 4 hours you work. You also have the right to take an unpaid meal period of at least 30 minutes for each 5 hours of work.

Working During Meal Periods: If you are required to work during your meal period, you are entitled to be paid for the full "on-duty" 30-minute meal period.

Employer-Provided Meals: Meals provided by the employer cannot be credited toward the minimum wage, unless you agree in writing.

If You Quit or Are Discharged

Immediate Payment of Earned Wages: If you are terminated, your employer must pay you all wages earned immediately. If you quit without providing notice, your employer may take up to 72 hours to pay all wages you earned.

Vacation and Holiday Pay: If you have been promised paid vacation time or paid time off (PTO), you must be paid all the vacation or PTO you earned up until the time you quit or are discharged.

Waiting Time Penalties: If your employer fails to pay your wages on time, you may be awarded a waiting time penalty in an amount equal to one day's wages for each day payment of your wages is delayed, up to a limit of 30 days.

Restaurant Workers

Split Shift: Each day you work a split shift (for example, working the lunch shift and

returning an hour or more later to work the dinner shift), you may be entitled to be paid an additional hour at minimum wage.

Tips: Your employer cannot pay you less than minimum wage by counting your tips as part of your wages. It is also unlawful for the employer to keep any portion of your tips. However, tip pooling, or distributing tips among non-management staff who help provide the tipped service, is legal.

Remedies

You have the right to file an administrative claim against your employer for minimum and overtime wages going back up to 3 years.

You do not need an attorney to file a claim with any of the following government agencies:

For violations of the SF Minimum Wage Ordinance:

Office of Labor Standards Enforcement
City Hall
1 Dr. Carlton B. Goodlett Place, Room 430
San Francisco, CA 94102
(415) 554-6292

For violations of State minimum wage and other labor laws, file in the county where you worked:

California Labor Commissioner
Department of Labor Standards Enforcement (DLSE)

455 Golden Gate Avenue, 10th Floor East
San Francisco, CA 94102-7001
(415) 703-4810 (English, Spanish, Cantonese)

1515 Clay Street, Suite 801
Oakland, CA 94612
(415) 622-3273

For the locations of other DLSE offices, go to www.dir.ca.gov/dlse/districtoffices.htm.

You can also file a lawsuit in court. Small claims courts decide cases for wages under \$10,000 and provide an advisor to help you prepare forms. You do not need an attorney, and attorneys are not allowed in small claims court. You can also file your case in superior court if you are owed over \$10,000, but you should hire an attorney to assist you in court.

Take Precautions Before A Problem Arises

Know Your Employer: Get the full English name of your employer, plus the address and telephone number of your workplace.

Keep Your Own Records: Write your work hours on a calendar each day, so that you can prove how many hours you worked. If you write a letter to your employer asking for your wages, keep a copy of the letter as proof that your employer knew s/he owed you wages.

Make Copies of Important Documents: You have the right to get a copy of all your time cards and payroll records, even after you leave your job. Ask for a copy of anything you are asked to sign, and keep copies of your pay check stubs and W-2 forms. Save any bank statements proving you were unable to cash your paycheck.

If You Are Undocumented: All California workers, whether or not they are legally authorized to work in the United States, are protected by state and federal wage and hour laws. Even if you are undocumented, you have the right to file a wage claim or lawsuit for wages owed to you.

If You Have Questions About Your Rights, call (415) 896-1701 to make an appointment for a free, confidential consult.

KNOW YOUR RIGHTS: WAGE AND HOUR



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The mission of Advancing Justice - Asian Law Caucus is to promote, advance and represent the legal and civil rights of the Asian and Pacific Islander communities. Recognizing that social, economic, political and racial inequalities continue to exist in the United States, the Asian Law Caucus is committed to the pursuit of equality and justice for all sectors of our society with a specific focus directed toward addressing the needs of low-income Asian and Pacific Islanders.

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