

California – Highlights of Differences in Wage and Hour Laws

1. Payment of Overtime: California requires the payment of time and half hourly wages to employees working more than 8 hours in a day or 40 hours in a week. In addition, if an employee works seven days in a row, the seventh day shall be paid at time and half the hourly wage up to 8 hours and then double time after that.
 - a. Doubletime shall be paid after 12 hours in a workday or after eight hours on the seventh consecutive day worked.

2. Breaks and Meal Periods:
 - a. Meal Periods:
 - A lunch must be taken between the 4th and 5th hour.
 - a. The lunch must be 30 minutes.
 - b. Employees are free to leave the facility during lunch and must be duty free during this time.
 - c. Employees may take a second lunch if they have a 10 hour shift. If they choose to waive the lunch they must do so in writing and must have taken their first lunch. A second lunch must be taken if their shift is over 12 hours.
 - b. Rest Breaks:
 - Employees have a 15 minute break for every 4 hours worked or major portion thereof during the day. Your 1st break is between the 2nd and 3rd hour and your 2nd break is between the 6th and 7th hour. If the day continues past 10 hours they are entitled to a 3rd break at 10 hours, and a 4th at 14 hours.

3. Premium Pay: If a manager impedes or discourages an employee from a timely meal or from a meal or rest period, one hour of premium pay must be provided. Managers must provide a reasonable opportunity for employees to take their meal periods these meal periods must be duty-free time where an employee is allowed to leave the facility. Premium pay does not count as hours worked for overtime calculation.

4. Payment of Hours worked/Off the clock/Cell Phone calls: All time worked off the clock during paid breaks, meal periods or before/after work must be paid to the employee. If an employee is contacted or holds a cell phone and is required to answer the phone during non-work hours, they must be compensated for that time as well.
 - a. Upon termination, an employee must be paid for all wages owed on their last day of work in addition to any accrued vacation time or unused floating holidays. For Voluntary terminations, an employee must be paid all wages owed within 72 hours of their last day worked if no notice is given.
5. Payment of travel time: If an employee is required to travel for work reasons, all time associated with that travel (e.g., to and from airport, hotel) must be paid at their hourly rate from the time they leave their home.
6. Four Ten Hour Schedules: In order to institute a four-hour work schedule in your facility, employees must participate in a secret vote after being provided details of the new proposed schedule change. Two-thirds of the employees in a readily identifiable work unit must vote in favor to enable a four ten hour schedule to be put into place.
7. Nursing Moms: Nursing moms must be provided a private room with a locked door to expel breast milk. It cannot be a restroom or a room that is within public view and must be free from intrusion.
8. Donning and Doffing: In the event an employee is required to wear special protective gear that takes longer than 5 minutes to dress in, they shall be paid for that time.