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CALIFORNIA LABOR LAWS

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Overtime:

1. In California, general overtime laws apply to employees who are 18 years of age or older (or any minor employee 16 or 17 years of age who is not required by law to attend school).
2. **Rate of pay** is one and one-half times if employee works for more than eight hours in any **workday** or more than 40 hours in any workweek.
3. Eight hours of labor constitutes a day's work, and employment **beyond eight hours in any workday or more than six days in any workweek** is permissible provided the employee is compensated for the overtime at not less than:
 - A. **One and one-half times** the employee's regular rate or pay for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek; and
 - B. **Double** the employee's regular rate or pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight on the seventh consecutive day of work in a workweek.
4. There are, however, a number of **exemptions** from the overtime law. An "exemption" means that the overtime law does not apply to a particular classification of employees. There are also a number of exceptions to the general overtime law stated above. An "exception" means that overtime is paid to a certain classification of employees on a basis that differs from that stated above.

Holidays:

1. Hours worked on holidays, Saturdays, and Sundays are **treated like hours worked on any other day** of the week.
2. California law does **not require** that an employer provide its employees with paid holidays, that it closes its business on any holiday, or that employees be given the day off for any particular holiday. If an employer closes its business on holidays and gives its employees time off from work with pay, such a circumstance exists pursuant to a policy or practice adopted by the employer, pursuant to the terms of a collective bargaining agreement, or pursuant to the terms of an employment agreement between the employer and employee, as there is nothing in the law that requires such a practice.
3. Additionally, there is **nothing** in the law that mandates an employer pay an employee a special premium for work performed on a holiday, Saturday, or Sunday, other than the overtime premium required for work performed in excess of eight hours in a workday or 40 hours in a workweek.

Vacation:

1. There is **no legal requirement** in California that an employer provide its employees with either paid or unpaid vacation time. However, if an employer does have an established policy, practice, or agreement to provide paid vacation, then certain restrictions are placed on the employer as to how it fulfills its obligation to provide vacation pay.
2. Under California law, **earned vacation** time is considered wages, and vacation time is earned as labor is performed. For example, if an employee is entitled to two weeks (10 work days) of vacation per year, after six months of work he or she will have earned five days of vacation.
3. Vacation pay **accrues** (adds up) as it is earned, and cannot be forfeited, even upon termination of employment, regardless of the reason for the termination.
4. An employer can place a **reasonable cap** on vacation benefits that prevents an employee from earning vacation over a certain amount of hours.
5. Upon **termination** of employment all earned and unused vacation must be paid to the employee at his or her final rate of pay. The California Legislature, in order to ensure that vacation plans were fairly and equitably handled, provided that the Labor Commissioner was to "apply the principles of equity and fairness" in resolving vacation claims.

Rest Periods:

1. Employers must authorize and permit nonexempt employees to take a rest period that must, insofar as practicable, be taken in the **middle of each work period**.
2. The rest period is based on the total hours worked daily and must be at the minimum rate of a net **ten consecutive minutes for each four hour work period**, or major fraction thereof. Anything more than two hours to be a "major fraction" of four."
3. A rest period is **not** required for employees whose total daily work time is **less than three and one-half** hours.
4. The rest period is **counted as time worked** and therefore, the employer must pay for such periods. Since employees are paid for their rest periods, they can be required to remain on the employer's premises during such periods.
5. An exception exists for certain employees of 24-hour **residential care facilities** who may have their rest period limited under certain circumstances.
6. Rest periods must take place at employer-designated **areas**, which may include or be limited to the employees immediate work area.
7. If an employer fails to provide an employee a rest period in accordance with an applicable the employer shall pay the employee one **additional hour** of pay at the employee's regular rate of pay for each workday that the rest period is not provided. Thus, if an employer does not provide all of the rest periods required in a workday, the employee is entitled to one additional hour of pay for that workday, not one additional hour of pay for each rest period that was not provided during that workday.
8. The rest period is defined as a "**net**" ten minutes, which means that the rest period begins when the employee reaches an area away from the work area that is appropriate for rest. Employers are required to provide suitable resting facilities that shall be available for employees during working hours in an area separate from the toilet rooms.

Meal Periods:

- 1 In California, an employer may not employ an employee for a work period of more than **five hours** per day without providing the employee with a meal period of not less than **thirty minutes**. (If the work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the employer and employee).
- 2 A **second** meal period of not less than thirty minutes is required if an employee works more than **ten** hours per day. (If the total hours worked is no more than 12 hours, the second meal period may be waived by mutual consent, but only if the first meal period was not waived).
- 3 If an employer fails to provide an employee a meal period, the employer must pay **one additional hour** of pay at the employee's regular rate of pay for each workday that the meal period is not provided. This additional hour is not counted as hours worked for purposes of overtime calculations.

Paydays, Pay Periods, And The Final Wages:

1. In California, wages, must be generally paid at least **twice during each calendar month** on the days designated in advance as regular paydays. Wages earned between the 1st and 15th days, inclusive, of any calendar month must be paid no later than the 26th day of the month during which the labor was performed, and wages earned between the 16th and last day of the month must be paid by the 10th day of the following month. Other payroll periods such as weekly, biweekly (every two weeks) or semimonthly (twice per month) when the earning period is something other than between the 1st and 15th, and 16th and last day of the month, must be paid within seven calendar days of the end of the payroll period within which the wages were earned.
2. Overtime wages must be paid no later than the payday for the next regular payroll period following the payroll period in which the overtime wages were earned.
3. An employee who is discharged must be paid all of his or her wages, including accrued vacation, immediately at the time of termination.