

IN CALIFORNIA WORKERS HAVE RIGHTS

Your rights as a worker are enforced and protected by the California Labor Commissioner (also known as the Division of Labor Standards Enforcement or DLSE). DLSE investigates and resolves complaints about retaliation, wages, child labor, hours of work and working conditions.

Whether you are a documented or undocumented worker in California, you have rights protected by state laws that guarantee payment of wages for work performed. It is the policy of the DLSE not to question your immigration status.

Here are some rights that protect your working conditions:



1 **The right to be paid minimum wage.**
You are to be paid no less than minimum wage of \$9.00 per hour (effective 7/1/2014), whether your pay is measured in time, piece rate, commission or other method of calculation. This includes the right to 1.5 times the minimum wage for any overtime hours worked. With few exceptions, all wages earned are due and payable at a minimum of twice during each calendar month on your regular payday.

2 **The right to a net 10-minute rest period.**
You must be permitted to take a net 10-minute rest period for every four hours worked or major fraction thereof which to the extent possibly shall be in the middle of each work period. If your employer does not provide you a rest period, your employer must pay you one additional hour of pay at your regular rate of pay for each workday the rest period is not allowed.

3 **Your right to a meal period.**
You are entitled to a meal period of at least 30 minutes if you work more than five hours. You must be relieved of all work duty during your meal period. Each workday you are not provided a meal period, or you perform work during your meal period, your employer must pay you one additional hour of pay at your regular rate of pay. You have the right to a clean meal and rest area.

4 **The right to file a worker's compensation claim if you are injured on the job.**
If you are injured on the job, your employer must provide you with medical care. Depending on the extent of your injury you may have the right to medical treatment, rehabilitation and job training at no cost to you. For fact sheets, information and assistance in filing a workers' compensation claim, call toll free: **1-800-736-7401** or visit www.dir.ca.gov and click on the Division of Workers' Compensation. You have the right to process your workers' compensation claim and are protected from termination.

5 **The right to be provided all the tools necessary to do your work**
Tools should be provided and maintained by the employer at no cost to you. However, if you earn two times the minimum wage, you may be asked to provide and maintain the hands tools required for that trade or craft.

6 **The right to a pay stub or wage statement every time you are paid your wages.**
Whether you are paid by check, in cash, or otherwise, you must receive a pay stub or a written wage statement, showing among other things: your employer's name, address and telephone number; your name; either your employee ID number or the last 4 digits of your social security number; gross wages earned; all deductions; and the dates for the period you are being paid. If you are paid by piece rate, the wage statements must show the number of piece rate units earned and the piece rate per unit. You have the right to a regularly scheduled payday and your employer must comply with the established payday.

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The right to be paid every time your employer asks you to report to work.

Each workday you are required to report for work and you do report, but you are not put to work or you are furnished less than half of your usual or scheduled day's work, you shall be paid for half the usual or scheduled day's work, but in no event for less than two hours nor more than four hours, at your regular rate of pay.

8

The right to be paid all wages by your employer the same day you are terminated or within 72 hours of a voluntary quit.

Where terminated, your employer must pay you all wages due immediately. If you voluntarily quit without giving 72 hours prior notice, your employer must pay you within 72 hours. You can provide an address and request that the employer mail you your payment or you can go to the workplace to get your final pay. If your employer fails to pay you, they may be penalized and required to pay you the equivalent of one-day's wages for each day delayed in paying your wages (up to a maximum of 30 days).

9

The right to file a wage claim, retaliation complaint or speak to the California Labor Commissioner regardless of your immigration status and without retaliation from your employer.

You have the right (free from retaliation) to process your wage claim, attend hearings to recover unpaid wages and investigate retaliation complaints. You may discuss labor issues with the DLSE and/or your employer under protection of the law and your employer may not discharge, demote, suspend or discipline you in any manner for this reason. You may file a complaint with the Labor Commissioner for reinstatement, full back pay, and any other appropriate remedy if you feel you were discharged because you engaged in such activity.

Contact a DLSE local district office for labor law information, assistance and to obtain a claim form to file a complaint:

- Bakersfield (661) 587-3060
7718 Meany Avenue, 93308
- El Centro (760) 353-0607
1550 West Main Street, 92243
- Fresno (559) 244-5340
770 East Shaw Avenue, Suite 222, 93710 (562)
- Long Beach 590-5048
300 Oceangate, Suite 302, 90802
- Los Angeles (213) 620-6330
320 West 4th Street, Suite 450, 90013
- Oakland (510) 622-3273
1515 Clay Street, Suite 801, 94612
- Redding (530) 225-2655
250 Hemsted Drive, 2nd Floor, Suite A, 96002
- Sacramento (916) 263-1811
2031 Howe Avenue, Suite 100, 95825
- Salinas (831) 443-3041
1870 North Main Street, Suite 150, 93906 (909)
- San Bernardino 383-4334
464 West Fourth Street, Room 348, 92401 (619)
- San Diego 220-5451
7575 Metropolitan Drive, Suite 210, 92108
- San Francisco (415) 703-5300
455 Golden Gate Avenue, 8th floor, 94102
- San Jose (408) 277-1266
100 Paseo de San Antonio, Room 120, 95113
- Santa Ana (714) 558-4910
2 MacArthur Place, Ste. 800, 92707
- Santa Barbara (805) 568-1222
411 East Canon Perdido Street, Room 3, 93101
- Santa Rosa (707) 576-2362
50 "D" Street, Suite 360, 95404
- Stockton (209) 948-7770
31 East Channel Street, Room 317, 95202 (818)
- Van Nuys 901-5315
6150 Van Nuys Blvd., Room 206, 91401



photos by Robert Garringer

Minimum wage:
1-888-275-9243 (ASK WAGE)

Prevailing wage hotline:
(415) 703-4774

**Wage claim tip:
Keep your own time records.**

Write down every day the time you begin, when you end work, the time you take meal and rest breaks and the total hours you work. Write down your piece rate, or if you are paid by the hour, record your hourly rate.

The simplified information contained in this flyer is provided to you from the California laws and regulations concerning wages, hours and working conditions; they are not legal interpretations of the California labor code, administrative code or the Industrial Welfare Commission wage orders and are not meant to be legal advice in individual cases. California labor laws can be found by contacting the Division of Labor Standards Enforcement (DLSE) offices or by visiting the Web sites: