



## PAY DAYS

Wages must be paid according to a regularly set schedule. (Labor Code § 207) When employees work overtime during a pay period, the payment of the overtime wages may be delayed to the next regular payday. (Labor Code § 204) All earned wages must be paid at least twice a month, on days designated in advance by the employer. Work performed between the 1<sup>st</sup> and the 15<sup>th</sup> days, inclusive, of any calendar month must be paid between the 16<sup>th</sup> and 26<sup>th</sup> day of the same month. Work performed between the 16<sup>th</sup> and the last day of the month must be paid between the 1<sup>st</sup> and 10<sup>th</sup> day of the following month. (Labor Code § 204) Weekly or bi-weekly (every two weeks) payroll must be paid within seven (7) days of the end of the pay period in which the wages were earned. (Labor Code §§ 204(a), 204(b))

Executive, Administrative and Professional employees may be paid on a monthly basis, providing all of the following conditions are met: (1) employees are not covered by a collective bargaining agreement containing language regarding paydays to be applied; (2) employees are not subject to the federal Fair Labor Standards Act; (3) employees' monthly remuneration does not include overtime pay; and (4) employees must be paid within seven (7) days of the close of their monthly payroll period. (Labor Code § 204(c))

There are additional payday requirements for employees of farm labor contractors specified in the Labor Code. (Labor Code § 205.5)

## RECORDKEEPING

### STATEMENT OF WAGES

The law requires every employer, semimonthly or at the time of each payment of wages, to give each of his or her employees an itemized statement, in writing, showing the following nine pieces of information:

1. Gross wages earned,
2. Total hours worked (unless the employee is exempt from overtime requirements),
3. Number of piece rate units earned and any applicable piece rate if the employee is paid on piece rate basis
4. All deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item,
5. Net wages earned,
6. Inclusive dates of the pay period,
7. Name of the employee and their social security number, except that by January 1, 2008, only the last four digits of their social security number or an existing employee ID number
8. Name and address of the employer (legal entity)
9. All applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

The itemized statement must be a detachable part of an employee's check. The deductions cannot merely show on the front of the check. If an employee is paid in cash, a statement containing this information must be provided at the time of payment. Employees who have not been provided a deduction statement with their paycheck may file a complaint with this office. (Labor Code § 226)

## **EMPLOYER RECORDS**

Employers must keep accurate records of the time worked by their non-exempt employees. This can be done by writing out the time worked or by punching a time clock or computer log/on-off, for example. The time records must show when the employee begins and ends each work period, as well as meal periods, split shift intervals and the total daily hours worked. Meal periods during which all operations cease and authorized rest periods need not be recorded. (Labor Code § 1174 and the appropriate Industrial Welfare Commission Order)

The employer must maintain employee records in English and in indelible ink or equivalent form. All documents must be properly dated. In addition to the statement of wages, the employer must maintain comprehensive records showing employees' names, addresses, occupations, social security numbers and ages of all minors. At a central location in the state or at the establishment at which the employees work, the employer must keep payroll records showing the hours worked each day and the wages paid to each employee and keep those records for a period of three (3) years. (Labor Code § 1174) Employers are required to permit an employee to inspect or copy records maintained which provide payroll information. (Labor Code § 226(a))

Members of the Industrial Welfare Commission and employees of the Division of Labor Standards Enforcement must be allowed free access to the place of business or employment in order to obtain information or make an investigation. (Labor Code § 1174)

The California Fair Employment and Housing Act (Government Code § 12946) requires employers to maintain all applications, personnel or employment referral records for a period of at least two (2) years after the files are initially created or received. Employers must retain the personnel files of terminated employees for two (2) years after termination and the files of rejected applicants for two (2) years after the rejection. For more information contact the Department of Fair Employment and Housing at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).