

What can I do to protect myself?



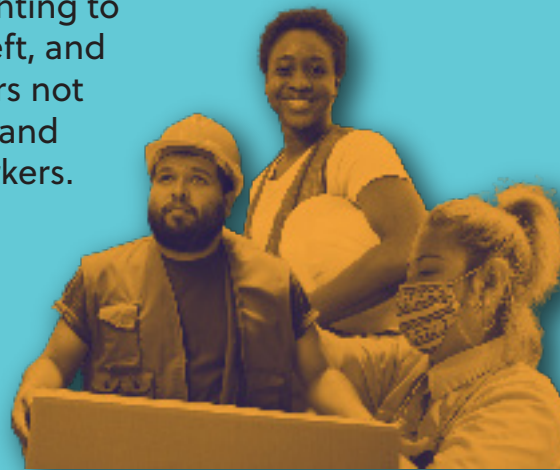
Report A Violation

If you have questions or want to learn more about your rights, the nonprofit Employee Rights Center of San Diego provides free information on workers' legal rights, as well as available resources and options for dealing with issues. Contact ERC at 619-521-1372 or www.weberc.net

Join the Fight

The Center on Policy Initiatives is fighting so all workers have safety and respect at work. We're fighting to raise wages, stop retaliation and wage theft, and make sure power is in the hands of workers not corporations. Use the power of your story and experiences to improve the lives of all workers.

Get involved!



Learn more:
cpisandiego.org/fighting_wage_theft

Wage Theft

Has it happened to you?

I have been required to arrive early to prepare for my shift before clocking in, or required to clock out for the day and then continue finishing my work before I can leave.

I have shown up at work for my scheduled shift only to be sent home without pay because they did not need me.

I have been required to pay for missing or broken dishes, cover unpaid bills, or had pay or tips deducted to cover cash shortages.

I have worked overtime (7 straight days, or more than 40 hours in a week, or more than 8 hours in a day) without receiving the time-and-a-half overtime rate.

My employer or manager has reduced my wages based on my tips, kept a portion of my tips for themselves, or deducted credit card fees from my tips.

My paycheck has bounced or was given to me after the designated payday.

I have worked through all or part of my 30-minute unpaid lunch break while working a shift of five hours or more.

Wage Theft is a Crime

Know the Law and Protect Yourself



THE LAW: Employees must be paid all hours worked, whether those hours are scheduled or not.

If an employer is aware that a worker arrives early to prepare or stays late to do "side work" such as cleaning or stocking, even if that work is off-the-clock, the worker must be paid for that time.

Working Off the Clock



THE LAW: In California, employees who report to work for scheduled shifts must be paid for at least half of their usual number of hours (and no less than two hours), even if they are sent home sooner.

Workers who arrive for a scheduled shift cannot be sent home without being credited for "reporting time pay," which is meant to offset the time and costs of commuting, childcare, and lost earning opportunities when an expected shift is cut short.

Not Paid for Time Scheduled



THE LAW: Employers cannot deduct wages for damages, breakage, cash shortages, nonpayment by customers or required uniforms or tools required for the job.

It's illegal for managers to take money from a tip pool or paychecks to make up for cash register shortages, to make employees cover nonpaying customers, or to deduct the cost of broken or damaged items.

Illegal Deductions & Charges



THE LAW: In California, most employers are required to pay overtime --1.5 times the regular wage-- for all hours an employee works over 8 hours in a day, more than 40 hours in a week, and on the 7th day in a workweek.

Workers are often asked to work overtime without being paid the required rate. It is also illegal for employers to falsify time records to avoid paying earned overtime.

Denied Overtime Pay



THE LAW: Management cannot 1) keep any portion of tips left for employees by customers, 2) reduce wages because of tips earned, or 3) deduct credit card company fees or charges from tips left on credit cards.

All tips belong to employees, not management. Employers and managers cannot take any part of tip pools or tips left for individual employees.

Stolen Tips



THE LAW: All wages are due and payable twice during each calendar month, on days designated in advance by the employer

If a paycheck is late or bounces (is returned for insufficient funds), the employee can receive penalty payments in addition to the amount of the check.

Late or Bounced Paycheck



THE LAW: Workers in California must be allowed to take a paid 10-minute rest break for every 4 hours worked and an uninterrupted 30-minute unpaid meal break if working more than 5 hours.

Workers can choose to skip breaks, but employers cannot discourage or prevent the breaks, and must relieve workers of all duties for the meal breaks. The penalty is one hour of extra pay per violation.

Denied Breaks

