



“The Only Guide To California Overtime Laws and California Labor Laws You Will Ever Need!”

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If you can spare 10 minutes to read this Free 2007 Overtime and Labor Law Desktop Guide, you will be empowered with the knowledge of your overtime rights and avoid other various labor entanglements.

1. Are you Exempt from Overtime? Find Out Here!

Figure out first if you are entitled to overtime under California overtime laws. If you do not supervise anyone, and do not have independent discretion, are paid hourly, or are asked to work “off the clock” and do not fall into a particular exemption category, you may be entitled to California overtime pay.

Here are a few secrets that reveal whether you may be non-exempt and entitled to overtime pay.

Secret #1: If you are classified as non-exempt you are entitled and should be getting paid overtime. Game over. On the other hand if you are salaried, and told you are non-exempt you have to probe deeper.

Secret #2: Are you administratively exempt? This means do you exercise independent discretion and need little supervision in your job 50% or more of the time. Do you supervise other subordinates directly. For example, do you hire discipline, fire, set schedules and perform exempt management duties like set policy, write checks, decide on expenditures over 50% of the time. To be sure, you should have a California overtime pay attorney review your situation. It is complex.

Here are 5 common violations of Employers when Determining If Managers and Supervisors are entitled to California overtime pay:

Employer Violation 1:

You must receive at least two times California's minimum wage as a salary for full time employment. If employers do not pay you at least this amount, you are entitled to overtime.

Employer Violation 2:

The primary function of your job is management of the enterprise or management of a recognized department or subdivision. Many managers do non-exempt tasks such as cashiering and stocking. These are not managerial tasks.

Employer Violation 3:

The manager directs the work of two or more subordinate employees. In many instances, employers do not have managers supervise anyone or if they do only indirectly or only one employee.

Employer Violation 4:

Has the authority to fire, hire and give pay treatment or recommend similar things.

Employer Violation 5:

Tasks in regard to managerial duties are under 50% of work time. A manager must do managerial exempt tasks more than 50% of the time in California or it is likely they are non-exempt and entitled to overtime pay.

All these are the stated reasons of exempt as per California Labor Law Overtime. As California Labor Law Overtime strictly mandates the compensation for employees, employers may find they are liable for overtime pay of managers.

If you are a California employee and believe you are owed Overtime or your employer has violated your rights, take action now and talk to an Experienced California Labor Attorney.

2. What are the Different Exemptions Under California Overtime Laws that Employers May Use to Defend Against Overtime Claims?

The Executive Exemption: The executive exemption applies to white-collar employees (1) whose duties involve the management of a business or a recognized department or subdivision of the business or entity they are employed by, (2) who regularly direct the work of two or more other full-time employees, (3) who have the authority to hire or terminate other employees, or to make recommendations or give input as to hiring or terminations that are given serious consideration by the employer, (4) regularly exercise discretion and independent judgment in the performance of their duties, (5) are paid a salary equivalent to at least two times the minimum wage for full-time employment, and (6) spend more than 50% of their time in the workplace engaged in management duties.



The Administrative Exemption: The administrative exemption applies to white-collar employees who (1) perform office or non-manual related work that is directly related to the management policies or general business operations of their employer or their employer's customers or clients, (2) regularly exercise discretion and independent judgment in their own work, (3) perform or undertake specialized or technical work requiring special training, experience, or knowledge, under only general supervision, (4) are paid a salary equivalent to no less than two times the minimum wage for full-time employment, and (5) spend more than 50% of their time engaged in the administrative tasks or duties listed above.

The Professional Exemption: The professional exemption applies to white-collar employees who (1) are licensed by the State of California in a recognized discipline such as (law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting) or are primarily engaged in a commonly recognized learned or artistic profession, (2) regularly exercise discretion and independent judgment, and (3) are paid a salary by their employer equivalent to at least two times the minimum wage for full-time employment.

Outside Sales Exemption: The outside sales exemption applies to employees who spend more than 50% of their time engaged in selling goods or services for the employer away from their employer's place of business or location.

Computer/IT Exemption: California Labor Code §515.5

(a) Except as provided in subdivision (b), an employee in the computer software field shall be exempt from the requirement that an overtime rate of compensation be paid pursuant to Section 510 if all of the following apply:

(1) The employee is primarily engaged in work that is intellectual or creative and that requires the exercise of discretion and independent judgment, and the employee is primarily engaged in duties that consist of one or more of the following:

(A) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.

(B) The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to, user or system design specifications.

(C) The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.

(2) The employee is highly skilled and is proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering. A job title shall not be determinative of the applicability of this exemption.

(3) The employee's hourly rate of pay is not less than forty-one dollars (\$41.00). The Division of Labor Statistics and Research shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.[This section has been modified effective 2006 as discussed above]

(b) The exemption provided in subdivision (a) does not apply to an employee if any of the following apply:

(1) The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.

(2) The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.

(3) The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of computer hardware and related equipment.

(4) The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including CAD/CAM, but who is not in a computer systems analysis or programming occupation.

(5) The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or for onscreen media or who writes or provides content material intended to be read by customers, subscribers, or visitors to computer-related media such as the World Wide Web or CD-Roms.

(6) The employee is engaged in any of the activities set forth in subdivision (a) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.

2006 Text - The 2006 version of the law changes the numbering of the requirements slightly, but the requirements remain the same with the exception of the following:

(4) The employee's hourly rate of pay is not less than forty-one dollars (\$41.00), or the annualized full-time salary equivalent of that rate, provided that all other requirements of this section are met and that in each workweek the employee receives not less than forty-one dollars (\$41.00) per hour worked. The Division of Labor Statistics and Research shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.

3. What MUST be on your pay stub. You may be surprised at what the law requires!

Section 226 requires that all employers must provide pay stubs that include the following nine pieces of information:

- a. gross wages earned
- b. total hours worked by the employee

- c. the number of piece-rate units earned by the employee (where the employee is paid on a piece-rate basis)
- d. all deductions
- e. net wages earned
- f. the inclusive dates of the pay period in question
- g. the name of the employee and his or her social security number, except that by January 1, 2008, only the last four digits of the social security number may be shown.

There are penalties that you may be entitled to if your employer fails to include any of these items on your pay stub or fails to give you a pay stub.

- h. the name and address of the employer; and
- i. all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each rate by the employee.

4. New Minimum Wage Requirements in 2007. Things Are Looking Up!

New for 2007: Your employer must pay you the minimum wage for each hour worked. Since California allows for a higher minimum wage than the Federal Minimum wage, you must be paid the California wage. This holds true regardless of whether you work a straight commission job and whether or not you are paid cash. There are big penalties that you are entitled to if your boss fails to pay you minimum wage for all hours worked. Although there are some exceptions, almost all employees in California must be paid the minimum wage as required by state law. Effective January 1, 2007, the minimum wage in California is \$7.50 per hour. There are some employees who are exempt from the minimum wage law, such as outside salespersons, individuals who are the parent, spouse, or child of the employer, and apprentices regularly indentured under the State Division of Apprenticeship Standards.

Here is a helpful section from the California Department of Labor Standards Enforcement:

There is an exception for learners, regardless of age, who may be paid not less than 85% of the minimum wage rounded to the nearest nickel during their first 160 hours of employment in occupations in which they have no previous similar or related experience.

There are also exceptions for employees who are mentally or physically disabled, or both, and for nonprofit organizations such as sheltered workshops or rehabilitation facilities that employ disabled workers. Such individuals and organizations may be issued a special license by the Division of Labor Standards Enforcement authorizing employment at a wage less than the legal minimum wage. Labor Code Sections 1191 and 1191.5

1. Q. What is the minimum wage?

A. Beginning January 1, 2007, the minimum wage in California is \$7.50 per hour. Effective January 1, 2008, the minimum wage in California will be \$8.00 per hour.

For shearers, however, effective July 1, 2002, the minimum wage was set at \$1,200.00 per month. Effective January 1, 2007 this wage was increased to a minimum monthly salary of \$1,333.20. Effective January 1, 2008, the minimum monthly salary for shearers will be \$1,422.52. Wages paid to shearers may not be offset by meals or lodging provided by the employer. Instead, there are provisions in IWC Order 14-2007, Sections 10(F), (G) and (H) that

apply to sheepherders with respect to monthly meal and lodging benefits required to be provided by the employer.

2. Q. What is the difference between the state and federal minimum wage?

A. Most employers in California are subject to both the federal and state minimum wage laws. The effect of this dual coverage is that when there are conflicting requirements in the laws, the employer must follow the stricter standard; that is, the one that is the most beneficial to the employee. Thus, since California's current law requires a higher minimum wage rate than does the federal law, all employers in California who are subject to both laws must pay the state minimum wage rate unless their employees are exempt under California law.

3. Q. May an employee agree to work for less than the minimum wage?

A. No. The minimum wage is an obligation of the employer and cannot be waived by any agreement, including collective bargaining agreements. Any remedial legislation written for the protection of employees may not be violated by agreement between the employer and employee. Civil Code Sections 1668 and 3513

4. Q. Is the minimum wage the same for both adult and minor employees?

A. Yes. There is no distinction made between adults and minors when it comes to payment of the minimum wage.

5. Q. I work in a restaurant as a waitperson. Can my employer use my tips as a credit toward its obligation to pay me the minimum wage?

A. No. An employer may not use an employee's tips as a credit toward its obligation to pay the minimum wage.

6. Q. What can I do if my employer doesn't pay me at least the minimum wage?

A. You can either file a wage claim with the Division of Labor Standards Enforcement (the Labor Commissioner's Office), or file a lawsuit in court against your employer to recover the lost wages. Additionally, if you no longer work for this employer, you can make a claim for the waiting time penalty pursuant to Labor Code Section 203.

7. Q. What is the procedure that is followed after I file a wage claim?

A. After your claim is completed and filed with a local office of the Division of Labor Standards Enforcement (DLSE), it will be assigned to a Deputy Labor Commissioner who will determine, based upon the circumstances of the claim and information presented, how best to proceed. Initial action taken regarding the claim can be referral to a conference or hearing, or dismissal of the claim.

If the decision is to hold a conference, the parties will be notified by mail of the date, time and place of the conference. The purpose of the conference is to determine the validity of the claim, and to see if the claim can be resolved without a hearing. If the claim is not resolved at the conference, the next step usually is to refer the matter to a hearing or dismiss it for lack of evidence.

At the hearing the parties and witnesses testify under oath, and the proceeding is recorded. After the hearing, an Order, Decision, or Award (ODA) of the Labor Commissioner will be served on the parties.

Either party may appeal the ODA to a civil court of competent jurisdiction. The court will set the matter for trial, with each party having the opportunity to present evidence and witnesses. The evidence and testimony presented at the Labor Commissioner's hearing will not be the basis for the court's decision. In the case of an appeal by the employer, DLSE may represent an employee who

is financially unable to afford counsel in the court proceeding.

See the Policies and Procedures of Wage Claim Processing pamphlet for more detail on the wage claim procedure.

8. **Q. What can I do if I prevail at the hearing and the employer doesn't pay or appeal the Order, Decision, or Award?**
- A. When the Order, Decision, or Award (ODA) is in the employee's favor and there is no appeal, and the employer does not pay the ODA, the Division of Labor Standards Enforcement (DLSE) will have the court enter the ODA as a judgment against the employer. This judgment has the same force and effect as any other money judgment entered by the court. Consequently, you may either try to collect the judgment yourself or you can assign it to DLSE.
9. **Q. What can I do if my employer retaliates against me because I questioned him about not being paid the minimum wage?**
- A. If your employer discriminates or retaliates against you in any manner whatsoever, for example, he discharges you because you asked him why you weren't being paid the minimum wage, or because you file a claim or threaten to file a claim with the Labor Commissioner, you can file a discrimination/retaliation complaint with the Labor Commissioner's Office. In the alternative, you can file a lawsuit in court against your employer.

5. Independent Contractors. Most Are Misclassified and Should be Employees.

The most significant factor to be considered is whether the person to whom service is rendered (the employer or principal) has control or the right to control the worker both as to the work done and the manner and means in which it is performed. Additional factors that may be considered depending on the issue involved are:

1. Whether the person performing services is engaged in an occupation or business distinct from that of the principal;
2. Whether or not the work is a part of the regular business of the principal or alleged employer;
3. Whether the principal or the worker supplies the instrumentalities, tools, and the place for the person doing the work;
4. The alleged employee's investment in the equipment or materials required by his or her task or his or her employment of helpers;
5. Whether the service rendered requires a special skill;
6. The kind of occupation, with reference to whether, in the locality, the work is usually done under the direction of the principal or by a specialist without supervision;
7. The alleged employee's opportunity for profit or loss depending on his or her managerial skill;
8. The length of time for which the services are to be performed;
9. The degree of permanence of the working relationship;
10. The method of payment, whether by time or by the job; and

11. Whether or not the parties believe they are creating an employer-employee relationship may have some bearing on the question, but is not determinative since this is a question of law based on objective tests.
6. IT and Computer Professionals. Here is the new pay rate in 2007 or you are entitled to California Overtime.

Salary Required for Hours in Work Week						
Year	Hourly Rate	40	50	60	70	80
2007	\$49.77	\$103,522	\$129,402	\$155,282	\$181,163	\$207,044
2006	\$47.81	\$99,445	\$124,306	\$149,168	\$174,029	\$198,890

If this hourly rate is not paid for each hour worked, employers face stiff penalties, interest and back overtime pay claims. This means that if an employee is salaried at a pay rate of \$103,522 per year, but works 41 hours in a given week without any additional compensation, then the exemption fails and the employer is subject to an overtime claim.

For many years, IT professionals in California worked overtime without getting overtime pay. Under California Overtime Laws, for IT professionals the awarding of overtime also depends on whether the employee falls in the category of “exempt” or “non-exempt” status. Check out these 3 secrets that your employer may know, but certainly will not tell you!

Secret 1: The recommendations for the IT employees would be to first check whether they have written job descriptions which specify “exempt” or “non-exempt” status. It is very wise to have written time records if you are a non-exempt status employee, as per California Overtime Laws. According to California Labor Law Overtime regulations, you are eligible for overtime pay if you are considered non-exempt.

Secret 2: The little known California Overtime Laws that entitle IT and Computer Professionals to overtime is Labor Code 515.5. The law can exempt jobs that fall under titles such as systems analyst, computer systems analyst, computer programmer, applications programmer, applications systems analyst/programmer/software engineer, systems engineer and systems specialist. The above mentioned are some of the IT designations that require working in the Information Technology department under Overtime Law in California.

Secret 3: Just because your employer tells you that you are not entitled to overtime, does not mean it is true. Most exemptions require that for an employee to be exempt, he/she must normally exercise “discretion and independent judgment” in the work. This means the employee has to evaluate probable alternatives and select or even recommend a course of action. The choice has to be made free from the immediate supervision and in regard to vital matters of a business. In California, if employees are non-exempt under Overtime Law in California, but exempt under federal standards, they are non-exempt and certainly entitled to overtime pay within California overtime regulations.

Under Overtime Law in California, if an employee is not salaried, he/she is non-exempt and must receive overtime pay. A salary means the employee gets paid the same amount each pay period despite lack of work or poor work, disciplinary problems or attendance. If an employer deducts

from an employee's salary for the quantity or quality of work performed, the employee is not exempt and therefore is entitled to overtime.

The IT employee's exemption is not applicable to several different types of computer employees, such as entry-level positions, trainees or individuals who maintain or repair computer hardware. Like all other exemptions, the employer can't rely on trumped up or untrue job descriptions to avoid liability. Until 2000, there were no exemptions for IT employees (especially under California overtime requirements). Thus, such employees were still entitled to overtime pay. Since the year 2000, IT employees can recover wages that go back 3-4 years from the filed date and the claims for IT Employee for overtime, can be enormous due to the high salaries.

IT employees who are paid at least \$49.77/ hour in 2007 for all hours worked are exempt from overtime pay. Even for employees who are paid the correct salary, they must be paid the correct hourly under labor code 515.5 for all hours worked. IT employees engage in application of systems analysis techniques and procedures or engaged in design, documentation, development, creation, analysis, testing or the modification of computer systems or just a combination of duties are exempt from overtime pay.

7. Do You Know the Top 3 Secrets Under California Overtime Laws That County or State Workers Can't Be Without?

This is big. If you can spare 60 seconds to read this article, you will find specific information related to public employees wages and overtime compiled especially for state and county employees.

Secret 1: Yes, you can be paid overtime!

Under California Labor Law Overtime, the Fair Labor Standard Act provides extra benefits and certain guarantees to county and state workers like a minimum rate of pay for overtime pay. Eligible employees should be paid for the overtime at the rate of 1 ½ times the regular rate of pay for all the hours over 40 in a work week under overtime law.

The Fair Labor Standard Act has its precise rules for the county and state workers to be covered under the Act. It also dictates which employees are exempt from this Act. Under California Overtime Laws, exempt and non exempt are widespread terms notifying covered (non-exempt) and non-covered (exempt) under the Fair Labor Standards Act overtime regulations. According to California Overtime regulations, it is normally the employees holding a professional or managerial position that do not meet the requirements for the Fair Labor Standards Act in order to be paid overtime.

Secret 2: California Law Can Make You Eligible for Overtime, When Under Federal Law You May Not Be

Fair Labor Standard law (with overtime law) also has certain rules and regulations categorized to different industries as restaurants (for example it can be rules about tipped employees etc), or there are certain rules for county and state workers as well. The majority of state workers earn

modest salaries less than \$50,000 annually, in addition to a nice pension and various other benefits. With California Labor Law Overtime, an increasing number of county and state workers earn more than \$200,000 per year.

Several examples of the benefit of overtime law are: a state prison lieutenant earned \$228,971 in 2005 (more than half in overtime pay); a doctor in San Quentin earned \$299,040 in 2005 (\$162,468 in overtime pay); and a former chief investment officer for the California Public Employee's Retirement System earned \$678,665 (\$269,483 in performance bonuses).

"That's more than the governor makes," said a spokesman for the California Taxpayers' Association. "I think the taxpayers should be concerned that there are people earning such incredible amounts of money."

When it comes down to it with California Overtime Laws, many county and state workers made the list of high earners and did so only due to the fact they earned tens of thousands of dollars working extra shifts for overtime pay. Overtime law can be controversial because overtime can cost California more than hiring additional county and state workers.

Secret 3: The Impact on California due to Overtime for Public Employees

"Overtime can lead to increased use of employee sick time, greater employee turnover, added disability claims, more workplace injuries and loss of productivity," noted in the 1999 audit with California Overtime. It's a fact that the payroll of the state of California show that many county and state workers increased their salaries with other types of pay—mostly via overtime pay.

8. What Items Under California labor law are you Entitled to Receive From Your employee File? Find Out Here!

Here is a great excerpt from the California Department of Labor Standards Enforcement:

California law requires that employers allow employees and former employees access to their personnel files and records that relate to the employee's performance or to any grievance concerning the employee. Labor Code Section 1198.5 Inspections must be allowed at reasonable times and intervals. To facilitate the inspection, employers must do one of the following: (1) keep a copy of each employee's personnel records at the place where the employee reports to work, (2) make the personnel records available at the place where the employee reports to work within a reasonable amount of time following the employee's request, or (3) permit the employee to inspect the records at the location where they are stored with no loss of compensation to the employee.

The right to inspect personnel files and records does not apply to records relating to the investigation of a possible criminal offense, letters of reference, or ratings, reports, or records that (a) were obtained prior to the employee's employment, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional exam.

Employees of state agencies, with few exceptions, and public safety officers are exempt from the provisions of Labor Code Section 1198.5. However, other public employees are covered under Labor Code Section 1198.5, including, those of a city, county, special district, community redevelopment agency, or other political subdivision of the state.

Employers are required to give an employee or job applicant, upon request, a copy of any instrument that the employee or applicant has signed relating to the obtaining or holding of employment. Labor Code Section 432

Employers are required to permit current and former employees to inspect or copy payroll records pertaining to that current or former employee. Labor Code Section 226(b) Effective January 1, 2003, an employer who receives a written or oral request from a current or former employee to inspect or copy his or her payroll records shall

comply with the request as soon as practicable, but no later than 21 calendar days from the date of the request. A failure by an employer to permit a current or former employee to inspect or copy his or her payroll records within the aforementioned 21 calendar day period entitles the current or former employee to recover a penalty from the employer in a civil action before a court of competent jurisdiction. Labor Code Section 226, subdivisions (c) and (f)

Employers are required to keep accurate payroll records on each employee, and such records must be made readily available for inspection by the employee upon reasonable request. Additionally, when a piece rate or incentive plan, such as a commission plan, is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. The employer must maintain accurate production records. IWC Orders 1 through 15, Section 7, and IWC Order 16, Section 6,

As you can see, your rights are abundant. If you know them! Take advantage of securing access to your employee file if you feel an overtime or other claim is going to ensue.

9. The Steps to Take If Your Employer Retaliates After You File an Overtime Pay Claim.

Do You Know How to Get Your Employer, Under California Overtime Laws, to Pay You if He Retaliates for Filing an Overtime Pay Claim? Here are the easy steps!

Although most employers do not retaliate (especially larger sophisticated employers), nevertheless the topic needs to be addressed. If you can spare 90 seconds to read this section, you will be armed with the knowledge to potentially punch back where it hurts (in your bosses wallet) if he retaliates when you file a overtime pay claim.

California attorneys represent individual cases before the California Fair Employment and Housing Commission and in front of the courts. The overtime law attorneys can help to secure rights in an event of unlawful discharge on the part of co-workers or even an employer after the complaint is filed. If an employer terminates you or denies you benefits due to a complaint, you have recourse take that employer to court. An experienced California labor attorney in labor law offers experience, expertise and can defend you when the job becomes intolerable or if you are fired illegally.

California Overtime Laws has a division of labor standards enforcement to assess penalties. The employers failing to observe the California Overtime requirements can be assessed penalties in the amount of \$50 per unpaid worker for each pay period the employee wasn't paid suitably. Under California Overtime requirements, a complaint by a single worker can set off a complete review of an employer's records, resulting in penalties if any employee pays calculations out of overtime compliance.

Under Overtime Law in California, hourly workers with hours more than 8 hours in a work day must be paid overtime for hours worked over 8 hours. Moreover, workers with hours more than 12 hours must be paid double time, according to Overtime Law in California. Under California Labor Law Overtime, workers working seven days straight in a work week must receive overtime pay for the first eight hours on the seventh day (double time after eight hours).

Two exceptions to the overtime pay requirements exist under California Labor Law Overtime. Workers working under a collective bargaining agreement that provide for some overtime pay, and specifies the worker will receive at least 30% above California minimum wage. The second exception is how the employers implement an alternative work week schedule—such a schedule

receives approval of 2/3 of the work force. This permits employees to work 4 day shifts of up to 10 hours without receiving overtime (as long as the hours don't exceed 40 hours).

Not all employers comply with the California Overtime Laws. Unfortunately, many employers don't pay overtime to salaried employees when they deserve it. California Overtime attorneys represent employees in disputes against employers involved with overtime pay exemptions in California. The California labor lawyers represent workers and employees in overtime pay, wage disputes, rest and meal period cases, sexual harassment, vacation pay, unlawful termination, work place discrimination, and cases regarding tips (tip pooling).

Employers face major penalties if they react against employees that pursue overtime pay, wages and various other benefits. Employers are not to terminate, harass or demote employees because employees seek a fair share of overtime pay and fair wages. Under Overtime Law in California, statutes provide for injunctive relief ordering the employer to refrain from forbidden conduct, interest, damages and monitoring the employer's behavior, attorneys' fees and costs.

If you know or have reason to believe an employer committed fraud with respect to an employment contract or work place frauds, you can contact an experienced labor law attorney to discuss your options. The employer is prohibited by law from retaliatory acts against you for suspension, demotion, threats, harassment or any other forms of discrimination.

10. Is Your Boss Playing Houdini To Hide Overtime Your Pay and Make it Disappear? 3 Keys to Make it Reappear!

If you have been deprived of your overtime you are not alone! Some employers are very wise to the tricks of the trade to avoid paying overtime. If you can allow yourself 2 minutes to read this article, you will never miss out again on the overtime you have earned.

In regards to California Labor Law Overtime, hourly workers with hours more than 8 hours in a work day must be paid overtime for hours worked over 8 hours. Moreover, workers with hours more than 12 hours must be paid double time, according to California Overtime Laws. Under California Labor Law Overtime, workers working 7 days straight in a work week must receive overtime pay for the first 8 hours on the 7th day (double time after 8 hours).

California Overtime Laws has a division of labor standards enforcement to assess penalties. The employers failing to observe the California Overtime policies can be assessed penalties in the amount of \$50 per unpaid worker for each pay period the employee wasn't paid suitably. Under California Overtime policies, a complaint by a single employee can trigger a comprehensive review of an employer's records, resulting in penalties if any employee pays calculations out of compliance.

Two exceptions to the requirements of overtime pay exist under Overtime Law in California. Workers working under a collective bargaining agreement that affords for some overtime pay, and specifies the worker will receive approximately 30% above California minimum wage. The second exception is how the employers apply an alternative work week schedule—such a schedule receives approval of 2/3 of the work force. This allows employees to work 4 day shifts of up to 10 hours without receiving overtime (as long as the hours don't go over 40 hours).

Every employer covered by the FLSA (Fair Labor Standards Act) with overtime law must keep specific records for each covered (non-exempt) worker. Unfortunately, there are employers who doctor time cards to avoid paying the proper overtime pay. Although there is no required form for the records under overtime law, the records must include accurate information about the employee and data about hours worked and wages earned.

3 Keys To Stop the Abuse:

1. Keep your own time records on a separate sheet of paper.
2. Keep witnesses lists along with dates and times and which projects you worked on.
3. Save emails and other memorandum that is date and time stamped; ie computer log in information that will document your hours.

After you have gathered all of this information, hire a California labor attorney.

I sincerely hope that this Guide has given you great insight into all the rights and remedies you have as you navigate through the California employment sector. It is my hope also that you feel empowered to stand up for your rights when it comes to overtime, and other labor issues. I enjoyed researching and writing this Guide and encourage you to share it with your fellow employees and family members. Remember, no California employee should be without this Guide on their top desk top!

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Fast Facts on California Overtime

- [Critical FAQ's on California Overtime Laws](#)
- [The Overtime Pay Law in California](#)
- [The Computer/IT Overtime Pay Exemption](#)

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Finally, use common sense. Nothing in this Guide is intended to replace common sense, legal,

medical or other professional advice, and is meant to inform and entertain the reader. I hope the information is helpful.

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Lars Sheckton is a freelance journalist who frequently contributes and comments on [California Labor Law](#) issues. Learn more by visiting web sites such as [Overtime](#) and [Labor Attorney](#).