

WAGES in the Bay Area ***

❖ General Overtime Rules

- Workers receive 1.5 times regular pay
 - After 8 hours in a day
 - After 40 hours in a week
 - The first 8 hours on the 7th consecutive day of work
- Workers receive 2 times regular pay
 - After 12 hours in a day
 - After 8 hours on the 7th consecutive day of work

❖ Meal Periods – Unpaid

- Workers should receive a 30 minute meal period for every 5 hours you work
 - If they work 6 hours total, a meal period may be waived by mutual consent of the employer and employee
- Workers should receive a second 30 minute meal period after 10 hours
 - If they work less than 12 hours the second meal period may be waived by mutual consent of the employer and employee, as long as the first meal period was taken

❖ Rest Breaks – Paid

- Workers should receive a 10 minute rest break for every 4 hours of work
- No rest period is required for work of 3.5 hours or less

❖ Personal Attendants in a Private Home– take care of a child, disabled person, or elderly person *

- Personal Attendants receive 1.5 times regular pay **
 - After 9 hours in a day
 - After 45 hours in a week

❖ Food and Lodging

- An employer can credit small part of the cost of food and lodging against minimum wage only if there is an agreement in writing between the employer and employee

❖ Tips – Worker must receive at least minimum wage in addition to tips

❖ Missed Meal Periods and Rest Breaks

- Workers should receive 1 hour's pay for missed meal periods and rest breaks for a total of 2 per day

❖ *Not a personal attendant if you perform general housework such as cooking, cleaning, and running errands for over 20% of the time. If this is the case, general overtime rules apply.*

** *If you work in a for-profit facility, even if it is a private home, the general overtime rules apply.*

*** *You have all these rights no matter what your immigration status is.*

Worker Leave and Pay Benefits, COVID-19 and Beyond

If you cannot work (e.g. due to COVID-19), inform your employer immediately. You may be eligible to receive paid time off.

The rights and protections described in the chart below must be provided to workers impacted by COVID-19, regardless of immigration status.

	What it is	What it provides	What you can do
Paid Sick Leave (PSL)	California PSL <ul style="list-style-type: none"> You start accruing when you begin work and can start using it after 90 days For illness, medical or preventive care 	<ul style="list-style-type: none"> Job-protected PSL accrued at a rate of one hour for every 30 hours worked Employer may cap use at three days or 24 hours per year Also available to care for family members Local laws may require additional paid sick time 	Tell your employer you need to use your PSL. If your employer does not provide PSL, you can file a wage claim with the Labor Commissioner's Office. More information at dir.ca.gov/covid/if-you-were-not-paid.html
Supplemental Paid Sick Leave (SPSL)	2021 and 2021 COVID-19 (SPSL) <ul style="list-style-type: none"> Supplemental Paid Sick Leave was available to most workers in California from January 1, 2021 to September 30, 2021 for COVID-19 reasons Employers with 26 or more employees needed to provide the hours If you took unpaid time for COVID-19 reasons during this period, you can still request pay after September 30 	<ul style="list-style-type: none"> Employers were required to provide up to 80 hours leave in addition to PSL For full-time or part-time workers Paid time off for COVID-19 reasons from January 1, 2021 to September 30, 2021 and January 1, 2022 to September 30, 2022 	Request pay if you think you took unpaid SPSL. Ask your employer for paid sick leave for the time you took because of COVID-19 from January 1 to September 30, 2021 and 2022. If your employer does not provide SPSL, contact the Labor Commissioner's Office. dir.ca.gov/dlse/HowToFileWageClaim.htm
Short-term Disability Payments (SDI)	State Disability Insurance (SDI) <ul style="list-style-type: none"> Unable to work or working less due to disability Paid into SDI during base period 	<ul style="list-style-type: none"> Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of 52 weeks (no waiting period for COVID-19 diagnosis) 	Apply at edd.ca.gov/Disability/Disability_Insurance.htm
If you might have contracted COVID-19 at work and need medical treatment or lose wages due to your injury or illness, you may be eligible for workers' compensation. Learn more at dir.ca.gov/covid/if-you-get-sick-at-work.html			
Paid family Leave (PFL)	Paid Family Leave (PFL) <ul style="list-style-type: none"> Care for a seriously ill family member Paid into SDI during base period 	<ul style="list-style-type: none"> Up to 60 or 70 percent of weekly wages, depending on income, for a maximum of eight weeks (can be taken intermittently) 	Apply at edd.ca.gov/Disability/Paid_Family_Leave.htm
Job-Protected Leave (CFRA)	CA Family Rights Act (CFRA) <ul style="list-style-type: none"> One-plus year of service 1,250-plus hours of work in previous year Five-plus employees 	<ul style="list-style-type: none"> 12 weeks job-protected leave if seriously ill or taking care of seriously ill family member (can be taken intermittently) Continuation of health benefits 	Request from your employer or go to www.dfeh.ca.gov/family-medical-pregnancy-leave/

NOTE: Workers who need additional leave for their own illness may qualify for leave as an accommodation for a disability under the Fair Employment and Housing Act. Visit www.dfeh.ca.gov/accommodation/ to learn more.



An example of using leave:

Ed is exposed to COVID-19 and has symptoms, his doctor tells him to stay home and quarantine. Ed tests positive and has lasting symptoms.

Step 1: Use PSL

Ed tells his employer he is using his paid sick leave and his expected return date.

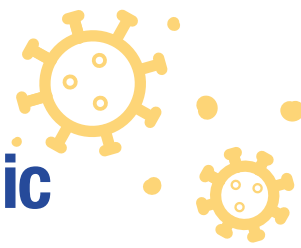


Step 2: Request CFRA from employer and apply for SDI from EDD

After using up his PSL, Ed asks his employer for more time off under the CFRA to protect his job and files for SDI through EDD for income.

Worker Retaliation Protections

During, before and after COVID-19 Pandemic



You are protected by law. The Labor Commissioner's Office can help.

What is retaliation?

If you are fired, or your pay or work hours are reduced for using your labor rights under California's laws, that is retaliation, and it is illegal. It's also illegal for your employer to threaten to report you to immigration authorities for following California laws. All workers in California are protected by labor laws, including retaliation protections, regardless of immigration status. These continue to be your rights and protections during the COVID-19 pandemic.

Activities that are protected from retaliation under California law include:



Speaking up about unsafe conditions or unpaid wages



Refusing to work in unsafe conditions



Reporting an unsafe workplace or labor violation



Filing a wage claim for unpaid wages



Assisting in an investigation of your employer

What if my employer reduces my hours, fires me or threatens to call immigration?

If an employer does punish you, they may be required to reinstate you, pay your lost wages and/or pay fines.

How to file a retaliation complaint:

The Labor Commissioner's Office will not ask about your immigration status or report your immigration status to other government agencies.



Online at dir.ca.gov/dlse/dlseRetaliation.html



In person at any location of the Labor Commissioner's Office. Find one at dir.ca.gov/dlse/districtoffices.htm






By phone at **833-526-4636**

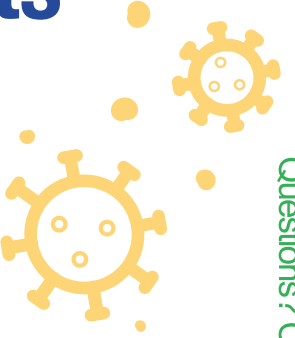


By email at retaliation@dir.ca.gov

Best practices to protect yourself from retaliation:

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Document
 - Changes in employment conditions
 - Details of any threats
 - Communications between you and your employer
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Identify
 - Witnesses who heard or saw
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File
 - Within one year of retaliatory act
 - Submit documents or information to the Labor Commissioner's Office
 - Call or email if you need any assistance, etc.

Workers' Compensation Benefits



Workers' compensation benefits are designed to pay for the medical treatment you need to recover from your work-related injury or illness, such as getting COVID-19 on the job. They partially replace the wages you lose while you are recovering, and help you return to work.



If you are injured or get sick (e.g. contracted COVID-19) on the job, you should notify your employer as soon as possible and file a claim for workers' compensation benefits.



If your illness is an emergency, call 911 or go to an emergency room right away regardless of immigration status. Tell the medical staff that your COVID-19 illness is job-related. If you can safely do so, contact your employer for further instructions.

How to File Your Claim



- Tell your employer you would like to file a workers' compensation claim or complete the claim form from the Division of Workers' Compensation website.





- Your employer will fill out their portions and send to the insurance company.



- Make sure to request a copy from your employer for your records.

- Within one day of filing a claim form, your employer must authorize appropriate medical treatment. While your employer is deciding whether to accept or reject your claim, you may receive up to \$10,000 in medical treatment.

What Happens Next?

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 If you don't receive a letter on the status of your claim in 14 days, call the insurance company for an update.
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 If your employer doesn't deny your claim within 90 days, your injury is presumed to be covered.

Still have questions?

You can contact the Division of Workers' Compensation if you have questions or call **1-800-736-7401** for recorded information.

Learn more at:
dir.ca.gov/dwc/injuredworker.htm

