

KNOW YOUR WORKPLACE RIGHTS



WHAT IS WAGE THEFT?

Wage theft occurs when employers fail to pay workers what they are legally owed, which includes not paying on time or failing to provide paid sick leave.

YOU HAVE THE RIGHT TO:

Minimum Wage: At least \$16.50 in California and \$17.25 in San Diego. Certain jobs and industries have a higher minimum wage.



Tips: Tips earned belong to the employee and cannot be taken by employers or managers. Tip sharing with coworkers is permitted.

Meal and Rest Breaks: If you work more than 3.5 hours, you must take a 10-minute paid break, and after working 5 hours, a 30-minute unpaid meal break must be offered.*



Final Paycheck: Must be paid at the time of termination or within 72 hours after resignation.

IF YOU THINK YOU ARE EXPERIENCING WAGE THEFT:

Step 1

Keep Records: Document the hours you've worked, keep your pay stubs, and keep record of your communication with your employer.

Step 2:

Speak to Your Employer: Mistakes can happen, and it's illegal for employers to punish you for asking for your wages.

Step 3:

File a Wage Theft Complaint: For unresolved issues or assistance, contact the San Diego County Office of Labor Standards and Enforcement (OLSE).

*There are some exceptions to the law for certain industries, jobs, and union members.



OLSE@sdcounty.ca.gov



www.sandiegocounty.gov/OLSE



619-531-5129

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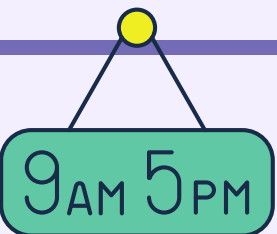
Overtime Pay: Paid for hours working over 8 hours per day, 40 hours per week, or 7 consecutive days.*



Paid Sick Leave: All employees, including part-time and temporary staff, are entitled to sick leave, which is earned upfront or over time. A doctor's note is not required for the first 40 hours of sick time used each year.



Freedom from retaliation: An employer cannot punish you for reporting wage theft or asserting your rights as a worker.



Payment for All Hours Worked: Paid for all hours worked, including work done "off-the-clock."

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WHAT IS THE OFFICE OF LABOR STANDARDS AND ENFORCEMENT (OLSE)?



COUNTY OF
SAN DIEGO

The County of San Diego Office of Labor Standards and Enforcement (OLSE) is here to assist workers and businesses with questions related to wage theft, fair chance hiring, and employment laws.

We achieve this through:

EDUCATION AND OUTREACH:

OLSE offers training and resources to help workers understand their labor rights and protections, while also assisting employers in understanding their responsibilities under local, state, and federal laws. We are available to address general inquiries regarding wage theft and fair chance hiring.



ENFORCEMENT OF LABOR LAWS:

OLSE helps enforce state wage laws and certain county ordinances, ensuring employers follow legal requirements for wages, hours, breaks, and benefits. Ordinances include Fair Chance, Working Families, and B-74. For a complete list, visit our website.



WAGE THEFT INVESTIGATIONS:

As of 2023, OLSE can help workers recover unpaid wages, including minimum wage violations, overtime pay, and stolen tips. If workers report wage theft, OLSE can launch investigations and assist in getting workers what they're owed.



CASE REFERRALS:

OLSE handles many types of complaints related to wage theft and fair chance hiring practices. If OLSE cannot help, we often refer workers to other enforcement agencies and community organizations that can address their complaints.



ABOUT US

The County Board of Supervisors established the Office of Labor Standards and Enforcement (OLSE) in 2021 as a vital resource for both workers and employers in San Diego. OLSE is dedicated to fostering labor standards through engaging with the community and businesses, strategic enforcement, innovative research, and thoughtful policy development.

FILING A COMPLAINT

If you know any workers facing the following challenges, please encourage them to contact OLSE by filling out the wage theft complaint form, which is available 24/7 on our website.

- Unpaid wages and other forms of compensation
- Denied or unpaid meal and rest breaks
- Denial of paid sick leave
- Retaliation for voicing concerns about wages

OLSE cannot accept complaints against government employers, including public schools and colleges.



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Office of Labor Standards and Enforcement (OLSE)

OLSE provides **free training and resources** aimed at educating workers throughout the County about local and state labor protections and how to advocate for themselves. We can deliver these trainings directly to you, your staff, or clients.



Who We Are



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Who We Serve



We collaborate with all populations throughout the county, placing particular emphasis on those who may be more vulnerable to workplace exploitation, including, but not limited to:

LGBTQ+, Youth, Immigrant and Refugees, Women, and Justice-Involved Workers

Our team is ready to provide training for your staff, contractors, or clients. We offer instruction in both English and Spanish, with additional languages available upon request.

Stephanie Hernandez
Community Engagement Manager
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Cell: 619-417-5011

Trainings Include



Wage and Hour Laws

Discuss topics related to wages, including minimum wage, overtime pay, meal and rest breaks, and paid sick leave.



Reading Paystubs

Learn what a pay stub should contain to ensure that workers are paid accurately.



Workplace Protections

Become knowledgeable about workplace protections, regardless of gender, age, criminal history, or immigration status.



Fair Chance Hiring

Discover the protections provided by the California Fair Chance Ordinance and how it assists justice-involved individuals in gaining access to employment opportunities.



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Employers in San Diego County

Navigating Employment Laws and Responsibilities

As an employer, understanding wage and hour laws is essential for building a fair and compliant workplace. **The County of San Diego Office of Labor Standards and Enforcement (OLSE)** is here to support you in meeting your responsibilities and ensuring that your business follows labor standards.

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Contact Us

Whether you're a small business or a larger company, schedule a one-on-one meeting to review the wage and hour laws that apply to your business, or request guides, fact sheets, and checklists outlining your responsibilities as an employer.

Mikey Knab
Business Outreach Manager
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Areas of Focus



- **Wage and Hour Law:** Obtain clear information about your responsibilities as an employer, including minimum wage, overtime, and proper record-keeping.
- **Workplace Compliance:** We offer the resources and tools designed to assist you compliance with state and local labor laws. This includes guidance on paid sick leave, distinguishing between consultants and employees, overtime, and meal and rest breaks.
- **Fair Chance Employment:** Understand how the San Diego Fair Chance Ordinance impacts your hiring practices and how to comply with fair hiring laws for individuals involved in the justice system.

Why Compliance Matters



- **Avoid Costly Penalties:** Staying compliant with wage and hour laws protects your business from potential fines, lawsuits, and penalties.
- **Build a Trustworthy Workplace:** Treating your employees fairly creates a positive working environment and strengthens employee loyalty.
- **Improve Operational Efficiency:** Clear and consistent wage practices streamline payroll processes, reduce disputes, and allow management to focus more on strategic growth rather than resolving conflicts.



PREVENT WAGE THEFT IN YOUR RESTAURANT: KNOW THE LAWS, PROTECT YOUR BUSINESS

Running a restaurant means juggling many responsibilities, but ensuring your staff is paid is essential. Failing to pay workers what they are owed can lead to serious consequences for your business. The County of San Diego, Office of Labor Standards and Enforcement (OLSE) is here to help you understand the laws and avoid common wage theft violations.



What is Wage Theft?

Wage theft occurs when employees do not receive the full pay they are entitled to.

For restaurant employers, this can include:

- Failing to pay minimum wage or overtime
- Improperly sharing or distributing tips
- Forcing or allowing employees to work off the clock
- Not providing paid sick leave
- Withholding or delaying payment of wages or tips



Why Compliance Matters

- **Avoid Costly Penalties:** Staying compliant with wage and hour laws protects your business from potential fines, lawsuits, and penalties.
- **Build a Trustworthy Workplace:** Treating your employees fairly creates a positive working environment and strengthens employee loyalty, reducing turnover.
- **Improve Operational Efficiency:** Clear and consistent wage practices streamline payroll processes, reduce disputes, and allow management to focus more on strategic growth rather than resolving conflicts.

Contact Us

Whether you are a small business or a larger company in need of support with wage and hour compliance or preventing wage theft in your restaurant, reach out to us today.

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Office of Labor Standards and Enforcement (OLSE)

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By understanding and following wage and hour laws, you not only protect your business from costly penalties but also create a fair, trustworthy workplace where employees can thrive.



Minimum Wage: You must pay all employees at least the local minimum wage, even if they receive tips. Tips cannot be used to meet the minimum wage.

Overtime Pay: Employees who work more than 8 hours in a day or 40 hours in a week must be paid overtime at 1.5 times their regular rate and two times their regular rate for more than 12 hours in a day. Overtime pay is also required for hours worked on the seventh consecutive day of work.

Tip Pooling or Sharing Rules: Tips belong to the employee and can only be shared with workers who are in the chain of service to the customer (such as servers, bartenders, bussers, and hostesses), but not managers or owners.

Meal and Rest Breaks: Employees must be provided with at least a 30-minute meal break no later than the end of the fifth hour of work, a 10-minute paid rest break if they work more than 3.5 hours, and a second rest break for more than 6 hours of work. Employees must be fully relieved of their work duties during rest breaks and unpaid meal periods.

Paid Sick Leave: All employees, including part-time and temporary staff, are entitled to five days or 40 hours of paid sick leave per year. Ensure that your policies comply with state law.

Accurate Timekeeping: It is essential to track employee hours properly. Don't ask or allow employees to work "off the clock," such as before or after scheduled shifts. Even if you do not ask an employee to work, if you allow the employee to do any of their duties, you must pay them for that time.

