

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)

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.

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.



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.

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.



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