

● WAGE PAYMENT LAWS

STATUTORY CITATION: Cal. Lab. Code §§ 200–273

GENERAL SUMMARY: California's wage payment laws establish minimum standards regarding paydays and pay periods, termination pay, method of pay, withholding and deductions.

PROVISIONS APPLICABLE TO AGRICULTURE

PAYDAYS AND PAY PERIODS —

Agricultural Workers in General — Except for final payment on discharge or layoff, all wages earned by an agricultural employee are due and payable twice each calendar month, on days designated in advance by the employer as the regular paydays. Work performed from the 1st through the 15th day of the month must be paid between the 16th and the 22nd of that month; work performed from the 16th through the last day of the month must be paid between the 1st and the 7th of the following month.

Agricultural Workers Furnished Room and Board — When agricultural workers are boarded and lodged by the employer, wages are due and payable once each calendar month, on a day designated in advance by the employer as the regular payday. No two successive paydays may be more than 31 days apart, and payment must include all wages earned up to the regular payday.

Agricultural Workers Employed by a Farm Labor Contractor — Agricultural workers employed by a farm labor contractor or crew leader must receive their pay at least once a week, on a business day designated in advance by the contractor. Payment must include all wages earned up to and including the 4th day before such payday.

TERMINATION PAY —

Discharge or Layoff — Whenever an employer discharges a worker, wages earned and not yet paid are due and payable immediately. Workers who are seasonally employed in the curing, canning or drying of perishable fruits and vegetables and who are laid off must receive final pay within 72 hours.

Resignation — If an employee with no written contract for a definite period quits the job, the worker's wages are payable no later than 72 hours after resignation. Workers who give at least 72 hours' prior notice of their intention to quit are entitled to final pay at the time of quitting.

FORM OF PAYMENT — Wages are required to be paid in lawful currency, or by check or similar draft payable on demand in cash and without discount. Employers may not pay workers in scrip, coupons or other such medium redeemable in merchandise.

ITEMIZED PAY STATEMENTS — Every non-governmental employer must, at the time of each payment of wages or at least semi-monthly, provide each employee with an itemized written statement showing (1) gross earnings, (2) total hours worked, if compensation is based on an hourly wage, (3) all deductions from earnings, (4) net wages earned, (5) the dates of the period for which the worker is being paid, (6) the worker's name and Social Security number, and (7) the name and address of the employer. In addition, employers who pay wages in cash must make a permanent written record of the deductions made from their workers' wages and must safeguard the wage deduction data for at least 3 years.

PIECE-RATE WORKERS — Employees who are paid on a piece-rate basis must be paid for rest periods and other non-productive time separate from their piece-rate compensation. The pay statement must show the total number of hours of rest periods and other non-productive time, the pay rate for those hours, and the amount of pay for those hours. In general, the pay rate for rest periods cannot be less than (1) the average hourly rate determined by dividing the total amount of non-overtime pay for the workweek by the total hours worked not counting rest periods, or (2) the applicable minimum wage, whichever is higher.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Labor Standards Enforcement, California Department of Industrial Relations, Oakland, California 94612.* This agency is responsible for investigating reported or suspected violations of the wage payment laws and has authority to enter workplaces, interview workers and employers, and inspect payroll records. Any worker who has not received regular or final pay in accordance with these provisions may file a claim, available online at <http://www.dir.ca.gov/dlse/HowToFileWageClaim.htm>, or email DLSE2@dir.ca.gov.

After investigation and hearing, a finding by the Division that a wage claim is valid gives the employer 10 days after receipt of notice to pay the amount in question. Any employer who has the ability to pay but who willfully fails to pay wages due within the 10-day limit must pay *triple* the amount of any damages accruing to the worker as a result of the employer's failure to pay. Such employers are also subject to civil money penalties and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Any worker aggrieved by an alleged violation of this law may take legal action in civil court to recover lost wages, interest, attorney's fees and court costs, using a private attorney or public legal service provider.