



**-POST WHERE EMPLOYEES CAN READ EASILY-**

# Wage & Hour Law Guidelines

Businesses found in violation of wage and hour laws could have their City of Milpitas Business License revoked

- Employers Must Pay For All Hours Worked Unless the Employee Is Exempt  
An exempt employee is someone who:
  - Receives a salary that is at least twice minimum wage AND
  - Supervises 2 or more employees AND
  - Performs supervisory duties over 50% of the time OR
  - Performs professional or high level administrative duties over 50% of the time
- Employers Must Pay At Least Minimum Wage
  - Tips cannot be deducted from wages; supervisors cannot share tips
- Employers Must Pay Overtime to Employees Who Are Not Exempt from Overtime  
Employers must pay 1.5 times regular pay
  - After 8 hours in a day
  - After 40 hours in a week
  - The first 8 hours on the 7<sup>th</sup> consecutive day of workEmployers must pay 2 times regular pay
  - After 12 hours in a day
  - After 8 hours on the 7<sup>th</sup> consecutive day of work
- Meal Periods – Unpaid  
Employers must relieve workers of all duty during a 30 minute meal period for every 5 hours worked
  - If employees work 6 hours total, a meal period may be waived by mutual consent of the employer and employeeEmployers must provide a second 30 minute meal period after 10 hours
  - If employees 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
  - Employers must provide a 10 minute rest break for every 4 hours of work
  - Employers need not provide a rest period for work of 3.5 hours or less
- Missed Meal Periods and Rest Breaks
  - Employers must pay 1 hour's pay for missed meal periods and rest breaks for a total of 2 hours per day
- Wages are due immediately if an employee is fired and in 72 hours if an employee quits

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