

California Overtime Law

Under the **California Overtime Law**, employees are entitled to receive overtime pay for any hours worked more than the prescriptive 8 hours in a day or 40 hours in a week. However, there are exceptions if your company has applied for an alternate work week which is usually 10 hour per day, 4 days a week. In this case, hours worked after 10 hours in a day or 40 hours in a week will be computed as overtime. For a company to implement an alternate work week, it must complete certain formalities and as such cannot be implemented by caprice.

Generally, the **California Overtime Law** warrants overtime pay for all employees regardless of their monthly salary, position in the company or employment contract. While the law provides exemptions, the definition is rather specific and points out only to supervisory and administrative positions as well as commission based jobs.

Unless your position meets an exemption, the labor law requires overtime pay for all hours worked beyond the prescribed working time or on the 7th consecutive day of a work week. Below are the general guidelines for overtime pay in California.

- 1.5 times the employee's daily regular rate for any hours worked beyond 8 hours up except those in excess of 12 hours in a workday, and on all hours worked on the 7th consecutive day of work in a workweek.
- 2 times the employee's daily regular rate for any hours worked beyond 12 hours in all workday, and on all hours worked in excess of 8 on the 7th consecutive day of work in a workweek.

These provisions in the labor law should be strictly followed by employers or face legal sanctions.

California Overtime Law exists to safeguard the rights of employees against unjust and unfair employers. Failure to pay overtime work constitutes violation of the National Labor Relations Act and can be ground for appropriate legal actions.

While most employers do not intend to violate rules on overtime pay, their failure or ignorance of the laws does not excuse them from sanctions. On the other hand, employers who consistently neglect their obligations to workers, particularly on overtime pay, may be filed with criminal and administrative charges against them. Usually disputes arising from unjust labor practices are handled by the Department of Industrial Relation, Division of Labor Standards Employment.

The challenge for the employees is to prove their claims. Although having necessary documentary evidence can help strengthen your case, establishing the guilt of the employers is often challenging. **California overtime law** can be complicated and, in fact, erring employers can easily avert their obligations. In addition, the legal process of such

cases often takes long thus complainants need to expect a tough argument ahead. To ensure just remuneration of your claims, a legal counsel would be necessary. **California Wage Law Attorneys** are the experts when it comes to issues concerning Labor Laws. An experienced labor attorney will guide you through all the undertakings that your claim requires until you receive what you are legally entitled to.