

# Employment Law Newsletter

Legal news promoting employee rights

## THE HARSH PENALTIES FOR MINIMUM WAGE VIOLATIONS.

By Morris Nazarian

Although there are some exemptions, most workers in California must be paid the minimum wage for all "hours worked" as required by California law. "Hours worked" includes opening and closing the business, and required meetings and training. Any time spent by an employee in the performance of these duties must be recorded and paid.

There are some employees who are exempt from the minimum wage law, such as outside salespersons, individuals who are the parent, spouse, or child of the employer, and apprentices regularly indentured under the State Division of Apprenticeship Standards.

It is unlawful to "secretly pay" a wage less than the minimum wage (as established by statute) while purporting to pay the minimum wage (California Labor Code § 223). In 2007, the state minimum wage in California was \$7.50 per hour. Effective January 1, 2008, the minimum wage in California is \$8.00 per hour. Employees who fail to receive the statutory minimum wage, may collect all unpaid wages, as well as an additional equal amount as liquidated damages and other penalties, plus costs, and a reasonable attorney fee (29 USA § 216(b)).

Pursuant to California Labor Code § 1197.1, in addition to any other penalty, an employer who fails to pay minimum wage is subject to a civil monetary penalty for each underpaid employee for each pay period for which the employee is underpaid for each initial failure to pay, and thereafter, the penalties are assessed for each underpaid employee, for each pay period. Other penalties and the potential for the award of attorney's fees, punitive damages and injunction, make compliance with these laws critical to the wise employer.

The Law Offices of Morris Nazarian  
Attorneys and Counselors at Law  
Call Toll Free (877) CALI- LAW

*This Newsletter is intended as a source of information for employees and employers. The contents should not be used for legal advice and readers should not use the information in this publication without discussing with an attorney.*