



## WORKER RIGHTS · CALIFORNIA

# Your Rights as a Worker in California

What every hospitality worker should know, in plain language.  
No legal jargon.

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This guide is general information about California employment law as of October 2026. It is not legal advice, and not a substitute for talking to a licensed attorney about your situation.

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General information only — not legal advice.

As of October 2026 · Prepared by JYNX Recruiting · [jynxrecruiting.com](https://jynxrecruiting.com)

## You Can Be Fired for Almost Any Reason, but Not an Illegal One

- California is an “at-will” state. Your employer can let you go for a good reason, a bad reason, or no reason at all. But they cannot fire you for:
- Your race, national origin, religion, age (40 or older), disability, sex, sexual orientation, gender identity, or other protected characteristics under California’s Fair Employment and Housing Act — which covers employers with 5 or more employees (harassment is banned at every workplace, any size)
- Filing a wage claim or complaining about unpaid wages
- Taking protected sick leave
- Reporting unsafe working conditions

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If you were fired for one of these reasons, consider talking to an employment lawyer.

## **Your Paycheck Is Protected**

- Minimum wage: \$16.90/hour for every employer, no matter the size. Some cities and counties set a higher rate — for example, San Francisco is \$19.61/hour, Los Angeles is \$18.42/hour (and \$25.00/hour for covered hotel and airport workers), and San Diego is \$17.75/hour. You get whichever rate is highest: state, local, or industry.
- Fast food workers: If you work for a fast food chain with 60 or more locations nationwide, your minimum wage is \$20.00/hour.
- Overtime is daily, not just weekly: 1.5x your rate for hours past 8 in a day, and double time for hours past 12 in a day. You also get 1.5x past 40 in a week, and for the first 8 hours on a seventh straight workday.
- Final paycheck: Fired or laid off, you must be paid everything you're owed on your last day — including earned, unused vacation. If you quit with at least 72 hours' notice, you're paid when you leave; without notice, within 72 hours. If your employer pays late on purpose, your wages keep running as a penalty — up to 30 extra days of pay.
- Deductions: Your employer cannot dock your pay for register shortages, breakage, walk-outs, or damaged property caused by a mistake or accident. Uniforms, when required, are the employer's cost — not yours.
- Pay stubs: Every check must come with an itemized statement showing your gross and net pay, total hours, every rate you worked at, and all deductions. If it doesn't, that's a violation by itself.

If your pay is short or your final check is late, you can file a wage claim with the California Labor Commissioner — or consider talking to an employment lawyer.

## **If You Earn Tips**

California is different from most states here, in your favor:

- There is no tip credit. Your employer must pay the full minimum wage (\$16.90 or your higher local/sector rate) before tips. Tips are on top — never counted toward your wage.
- Your tips are yours. No owner, manager, or supervisor can take any part of them — not even if they worked the floor with you. Credit card tips must be paid in full, with nothing taken out for card processing fees.
- Tip pooling is allowed, but only among the workers in the chain of service — and managers and supervisors can't be in the pool.

## **Sick Leave and Vacation**

- Paid sick leave is the law. You earn at least 1 hour of sick leave for every 30 hours worked, and your employer must let you use at least 40 hours or 5 days a year — whichever gives you more. Part-time workers are covered too.
- Vacation: California does not require employers to offer it. But once they do, your accrued vacation is wages you've already earned. "Use it or lose it" is illegal here, and every hour you accrued must be paid out when you leave. (Accrued sick leave does not have to be paid out.)

## **Breaks — California Requires Them**

- Meal break: An unpaid 30-minute meal break for every shift over 5 hours, and a second one past 10 hours. On your meal break, you must be relieved of all duties.
- Rest breaks: A paid 10-minute break for every 4 hours worked (or major part of one).
- Missed breaks cost your employer: If you're denied a meal or rest break, you're owed an extra hour of pay for that day — for each type of break missed.

California also has split-shift and reporting-time pay: if you're sent home early or your shift is split by a long unpaid gap, extra pay may be owed. Ask the Labor Commissioner if this sounds like your schedule.

## **If You're Under 18**

- You need a work permit (usually through your school) before you start, and your hours and job types are restricted by age.
- In bars and restaurants: you must be 18 to serve alcohol in a restaurant, and 21 to pour or bartend.

## **Non-Compete Agreements**

Non-competes are void in California. If you signed one, it cannot be enforced against you — it doesn't matter how narrow it is or even if you signed it in another state. It is also illegal for an employer to put one in your contract in the first place.

## **Pay Transparency**

- Employers with 15 or more employees must include the pay scale in every job posting.
- Any employer must tell you the pay range for a job if you ask — and no employer may ask about your salary history.

## **What California Does NOT Require**

- No law forcing employers to offer vacation or paid holidays (but earned vacation is wages — see above).
- No payout of unused sick leave when you leave.
- No extra pay just because a shift falls on a weekend or holiday — overtime is based on your hours, not the calendar.
- California is not a right-to-work state: a union contract can require covered workers to pay union dues or fees.

## **If Your Rights Were Violated**

- Wage issues (unpaid wages, missed breaks, late final pay, illegal deductions): California Labor Commissioner (Division of Labor Standards Enforcement). Most wage claims must be filed within 3 years.
- Discrimination or harassment: California Civil Rights Department — file within 3 years.
- Unsafe working conditions: Cal/OSHA (California runs its own workplace safety program).

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Deadlines apply to many claims, so don't wait. And when in doubt, consider talking to an employment lawyer — many offer free consultations.