

Required Workplace Posting for All California Licensees of the Board of Barbering and Cosmetology



In California, all workers are protected by labor laws. You have the right to be treated fairly at your workplace no matter where you were born or whether you have papers to work. The CA Labor Commissioner's Office is the state agency that enforces labor standards to ensure you are working under lawful and fair conditions.

You may file a claim or report a violation regardless of your immigration status and do not need a Social Security number or photo identification. You do not need a lawyer to file a wage claim and the Labor Commissioner's Office will provide an interpreter in your language.

Misclassification of an employee as an independent contractor

A worker that is considered an "employee" or "W-2 worker" is entitled to many workplace protections under State labor laws.

Generally, a person providing nail services in a nail salon is an "employee" and the employer must follow certain rules in CA law. For example, employees must be paid at least minimum wage, allowed meal and rest breaks, able to earn overtime and are entitled to sick leave, among other rights and protections.

An "independent contractor" (sometimes referred to as a "1099") does not have the same protections as an employee under State labor laws. Just because your boss calls you an independent contractor, does not make you one. An independent contractor must hold a local business license, set their own service rates and schedules, and be paid directly by the client. An owner may be subject to penalties for misclassifying a worker.

Beginning in January 2025, the rules for manicurists regarding independent contractors will slightly differ from those applied to other BBC licensees. Please visit the California Labor Commissioner's Office website to read more about the updated rules for manicurists regarding independent contractors:

<https://www.dir.ca.gov/dlse/Licensed-Manicurists-FAQ.htm>

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Minimum wage, overtime compensation, meal and rest periods

As of January 1, 2024 the state minimum wage for employees is \$16.00 an hour. The state minimum wage increases to \$16.50 an hour starting January 1, 2025. No matter how you are paid, your wages must equal at least minimum wage for all the hours you worked. Go to the *UC Berkeley Labor Center* website below to find out if the city where you work requires a higher minimum wage:

<https://laborcenter.berkeley.edu/inventory-of-us-city-and-county-minimum-wage-ordinances/#s-2>

Sick leave for employees

As an employee, your employer must give you paid sick leave when you are sick or need to go to the doctor, or if you must take care of a sick family member or take them to the doctor.

Most workers must receive at least 40 hours or five days each year. Employers must give part-time and temporary employees sick leave based on their part-time hours worked.

You must work for your employer for at least 30 days to qualify for paid sick leave. You have a right to take paid sick leave after you've worked for your employer for 90 days.

Employers must pay overtime

Employees in California must receive overtime pay of:

- 1.5 times the regular rate of pay for all hours worked over 8 a day, and over 40 hours in a week. Example: $(1.5 \times \text{regular pay rate of } \$17) \times (4 \text{ hours overtime}) = \102 overtime pay for that workweek.
- Double the regular pay for all hours worked over 12 a day.

If an employee works seven days in a workweek, that person must be paid:

- 1.5 times the regular rate of pay for the first 8 hours on the seventh day, and
- Double the regular rate of pay for all hours worked over 8 hours on the seventh day.

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Meals and rest breaks for employees

Your employer must allow you to take a break for meals and rest. Most workers in California, including manicurists, must receive an uninterrupted and duty free 30-minute unpaid meal period for every 5 hours worked; Also, a paid 10-minute rest period for every 4 hours worked. You may be entitled to a rest break even if you work less than 4 hours.

Tip or gratuity for employees

- If a customer offers you a tip, your employer cannot take any portion of it.
- If a tip pooling policy exists at the business and more than one worker assists a customer but the customer only tips one worker, that worker may be required to share that tip with the other worker if the policy requires it.
- Your employer cannot count your tips towards your hourly wage or your commission.
- Any tips paid on a credit card must be paid to you by the following pay day.
- Your employer cannot deduct any fees or charges from tips paid for by a credit card.

Business expense reimbursement for employees

An employer cannot require an employee to buy certain tools or equipment, including scissors, nail products and instruments, or a uniform, unless the employer pays or reimburses for the equipment or products.

Protection from retaliation by employers

It is illegal for employers to retaliate against workers. Your boss cannot take any action to discipline or fire you or your co-workers for reporting a labor law violation.

How to report violations of the law

If your boss is not paying you minimum wage, requires you to fill out a 1099 (instead of a W2), or is violating any other labor law, or if you have questions, contact the Labor Commissioner's Office.

You can find office locations and phone numbers at www.dir.ca.gov/dlse or call (833) 526-4636.