

California Unpaid Minimum Wage

Dedicated Employment Law Guidance in Downtown Los Angeles

An employer cannot pay an employee less than the highest applicable minimum wage. In July of 2009, the federal minimum wage rose to \$7.25 per hour. The States are permitted to set their own minimum wages. In January of 2022, California's minimum wage rose to \$14.00 per hour for employers of 25 or less and \$15.00 per hour for employers of 26 or more. It will rise to \$15.00 per hour for employers of 25 or less in January of 2023. Several California cities require higher minimum wages: Los Angeles and Santa Monica require \$15.00 per hour, Berkeley and San Francisco require \$16.32 per hour, San Jose requires \$16.24 per hour, and West Hollywood requires \$17.64 per hour for hotel employees. The minimum wage for the City of Los Angeles will increase to \$16.04 per hour on July 1, 2022 for all workers who perform at least two hours of work in any given week. New York State's minimum wage is \$13.20 per hour and \$8.80 per hour for tipped employees. New York City, Westchester County, and Long Island require \$15.00 per hour and \$10.00 per hour for tipped employees.

If you discover your employer has violated California's minimum wage laws and refuses to pay what you are owed, you may be able to recover lost compensation.

At The Spivak Law Firm, we are committed to protecting the interests of employees across California in receiving at least minimum wages for all hours worked. We have substantial experience litigating minimum wage claims for employees who are forced to work off the clock, perform work without pay before and after their shifts, remain on-call or on standby without pay, undergo training and orientations without pay, and work during unpaid meal periods. Our team can also assist you if you have been retaliated against for complaining about minimum wage violations. Our lawyers have **over 25 years of legal experience** and are always prepared to forcefully litigate these claims. **We only get paid when you do**, and we will fight to secure every dime you deserve when your employer has treated you unfairly.

Call [\(877\) 242-7034](tel:877-242-7034) or [contact us online](#) to schedule a free initial consultation. *Hablamos Español* [877-452-0078](tel:877-452-0078).

What Is the Minimum Wage in California?

In January of 2022, California's minimum wage rose to \$14.00 per hour for employers of 25 or less and \$15.00 per hour for employers of 26 or more. It will rise to \$15.00 per hour for employers of 25 or less in January of 2023. Several California cities require higher minimum wages: Los Angeles and Santa Monica require \$15.00 per hour, Berkeley and San Francisco require \$16.32 per hour, San Jose requires \$16.24 per hour, and West Hollywood requires \$17.64 per hour for hotel employees. The minimum wage for the City of Los Angeles will increase to \$16.04 per hour on July 1, 2022 for all workers who perform at least two hours of work in any given week.

A California employee cannot voluntarily waive his or her right to be paid the minimum wage. If you signed an employment contract that holds you to a pay rate that is lower than the minimum wage for your locality, the contract is not enforceable.

In California, even “tipped” employees, including restaurants servers and parking attendants, are entitled to the minimum wage for all hours worked regardless of what they earn in tips.

Independent contractors are not subject to California’s minimum wage laws, but an employer cannot misclassify an employee as an independent contractor. If you suspect you may have been misclassified as a means of circumventing minimum wage laws, do not wait to get in touch with our legal team.

What Should I Do If I Am Paid Less than Minimum Wage in California?

If your employer fails to follow California’s minimum wage laws, you are entitled to the compensation you have been wrongfully denied and may also be owed substantial monetary penalties and interest. You have the right to file a lawsuit against your employer to recover such remedies. You can also choose to file a complaint with the California Labor Commissioner’s Office.

Our team at The Spivak Law Firm can file claims on your behalf to recover:

- The difference between what you were paid and the minimum wage, plus interest
- Liquidated damages, statutory penalties, and civil penalties
- Attorney fees and costs

If your employer violates the minimum wage laws toward many of its employees, it may make sense to consider a class-action lawsuit. In a class action, an employees who chooses to serve as a class representative can sue on behalf of him or herself and the other underpaid employees for monetary remedies.

Your employer cannot lawfully fire you or retaliate against you for objecting to minimum wage violations. If you were wrongfully terminated or experienced any adverse action after making a minimum wage complaint or lawsuit, our California lawyers can prosecute your claims for additional legal remedies such as compensation damages for future lost wages and emotional distress and humiliation.

If you believe you are not being paid fairly, do not hesitate to [contact us online](#) or call [\(877\) 242-7034](tel:877-242-7034).
