

N E W S R E L E A S E

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California Labor Commissioner’s Office Posts Guidance on Agricultural Overtime Pay Schedule in Effect This Year

Oakland—The Labor Commissioner’s Office has posted [guidance](#) for agricultural employers and workers on an overtime pay schedule that went into effect January 1. [The law’s](#) overtime pay requirements will be phased in according to the table below.

“We encourage large and small agricultural employers in the state to note the new farmworker overtime pay requirements that will phase in until a 40-hour standard workweek is reached,” said California Labor Secretary Julie A. Su.

The daily and weekly thresholds at which agricultural workers receive overtime pay will phase-in according to the following schedule:

Schedule for Changes to Daily and Weekly Hours After Which Agricultural Workers Receive Overtime Pay		
<i>Effective date for employers with 26 or more employees:</i>	<i>Effective date for employers with 25 or fewer employees:</i>	<i>Overtime (1.5x regular rate of pay) required after the following hours per day / hours per workweek:</i>
Jan. 1, 2019	Jan. 1, 2022	9.5 / 55
Jan. 1, 2020	Jan. 1, 2023	9 / 50
Jan. 1, 2021	Jan. 1, 2024	8.5 / 45
Jan. 1, 2022*	Jan. 1, 2025*	8 / 40

**Double the regular rate of pay required after 12 hours in a workday.*

For pre-existing overtime requirements for agricultural workers, including on the 7th day of work in a workweek, please see [Wage Order 14](#).

For the first year of the phase-in, agricultural workers at large businesses earn overtime pay for all hours worked over 9.5 hours in a day or over 55 hours in a workweek. Small employers have an additional three years before the changes to daily and weekly overtime pay take effect.

The Labor Commissioner's Office has also posted answers to [frequently asked questions](#) regarding overtime for agricultural workers.

Agricultural workers are defined in [Wage Order 14](#) and include employees who are engaged in the preparation and treatment of farmland as well as the care and harvesting of crops. Agricultural workers include employees engaged in shepherding, irrigation and licensed crew members on commercial fishing vessels.

Workers who do not receive proper overtime and other pay can file a [wage claim](#) with the Labor Commissioner's Office to begin the process to recover unpaid wages and penalties. Failure to pay proper overtime can result in a civil penalty of \$50 per pay period for each underpaid employee.

The Department of Industrial Relations' Division of Labor Standards Enforcement, or the [California Labor Commissioner's Office](#), combats wage theft and conducts on-site inspections to investigate and enforce compliance with minimum wage and other California labor laws. Its wide-ranging responsibilities include public works enforcement, retaliation complaint investigations, licensing and registration, as well as multilingual labor law education and outreach for workers and employers.

In 2014, the Labor Commissioner's Office under Julie A. Su's leadership launched the [Wage Theft is a Crime](#) multilingual public awareness campaign. The campaign defines wage theft and informs workers of their rights and the resources available to them to recover unpaid wages or report other labor law violations.

Employees with work-related questions or complaints may contact DIR's Call Center in English or Spanish at 844-LABOR-DIR (844-522-6734).

Members of the press may contact Erika Monterroza or Frank Polizzi at (510) 286-1161, and are encouraged to [subscribe to get email alerts](#) on DIR's press releases or other departmental updates.

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The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#). For general inquiries, contact DIR's Call Center at 844-LABOR-DIR (844-522-6734) for help in locating the appropriate [division or program](#) in our department.