

REPORTING TIME PAY OBLIGATIONS EXPANDED FOR CALIFORNIA BUSINESSES

By Yen P. Chau



Retailers and restaurateurs should take note of a recent expansion on the concept of “reporting time pay,” which entitles an employee to a minimum amount of pay, whether or not the employee’s scheduled hours are actually worked.

Often times, businesses send employees home early if business is slow. In those situations, where “an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee’s usual or scheduled day’s work, the employee shall be paid for half the usual or scheduled day’s work, but in no event for less than two hours nor more than four hours.”

In a recent CA appellate case against clothing retailer Tilly’s, a California appellate court held that Tilly’s employees who were required to call in 2 hours before their on call shift but were not told not to report to work, are entitled to reporting time pay. The court explained that an employee reports to work when they physically appear at the work place, or when they present themselves as ordered—in this case, by calling 2 hours ahead.

Employers who adjust their schedules on short notice or utilize call in shifts should

either: follow *Tilly’s* ruling, commit to providing at least half the scheduled shift hours, and/or consider adjusting their policies to best mitigate risk.



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