



HEATHER FERBERT
CITY ATTORNEY
CITY OF SAN DIEGO

CONSUMER ALERT

WAGE THEFT AND WORKER MISCLASSIFICATION

KNOW YOUR RIGHTS

WHAT IS WAGE THEFT?

Wage theft occurs when an employer fails to pay workers the wages they are legally owed. This can take many forms, including:

- Being paid less than minimum wage (\$17.25 per hour as of January 1, 2025, within the city of San Diego, \$16.50 Statewide in CA).
- Being denied meal and rest breaks required by law.
- Failing to pay overtime.
- Employers taking employee tips, which is illegal.
- "Off-the-clock" work, not being paid for all hours worked.
- Not accruing or being denied use of earned sick leave.
- Unauthorized deductions from paychecks.
- Late or bounced paychecks.
- Not reimbursing employees for business-related expenses.
- Failure to pay final wages on time when an employee leaves a job.
- Misclassifying employees as independent contractors.

WHAT IS WORKER MISCLASSIFICATION?

Worker misclassification happens when an employer incorrectly classifies an employee as an independent contractor to avoid providing legal wages, benefits, and protections. This illegal practice allows employers to sidestep responsibilities such as:

- Payroll taxes
- Minimum wage and overtime pay
- Workers' compensation coverage
- Unemployment benefits
- Other required employee benefits

If you believe you are misclassified, you may be missing out on significant legal protections and wages you are entitled to.



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HOW TO PROTECT YOURSELF

- Keep detailed records of your hours worked, wages received, and any employment agreements.
- Save all pay stubs, time-sheets, and work-related communications.
- Know your rights regarding minimum wage, overtime, meal and rest breaks, sick leave, and final pay rules.

WHAT YOU CAN DO ABOUT WAGE THEFT

1. Report patterns of wage theft to the Affirmative Civil Enforcement (ACE) Unit of the San Diego City Attorney's Office by filing a citizen complaint.

* While the City Attorney's Office cannot represent individuals regarding their potential wage theft claims, it may prosecute violators who engage in a pattern and practice of wage theft to hold them accountable and assure they comply with the law.

2. File a complaint with the California Labor Commissioner's Office or consult a qualified attorney to seek any unpaid wages and penalties against the employer.

If you believe you are misclassified, you may be missing out on significant legal protections and wages you are entitled to.

QUESTIONS?

For more information about wage theft prevention or to file a citizen complaint, visit the City of San Diego Minimum Wage Program website or contact the Affirmative Civil Enforcement (ACE) Unit of the San Diego City Attorney's Office.

Minimum Wage Website



ACE Unit - Complaint Form



Please note that this is for informational purposes only and does not constitute legal advice. If you need legal guidance, consult a qualified attorney.