



The California Contractor

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Fair pay: Avoiding wage and hour violations in construction

California's construction industry runs on long hours, tight deadlines, and complex job sites. Whether you're building homes, paving roads, or managing electrical or plumbing crews, every project depends on fair and accurate pay.

But with multiple crews, changing sites, and varying pay rates, construction companies are especially vulnerable to wage and hour violations—and the penalties can be steep. Even unintentional mistakes in recordkeeping, overtime, or classification can result in fines, back pay, and damage to your reputation.

Understanding California's rules and putting the right systems in place protects your workers and your business. Here's what every construction manager and foreperson should know.

What Counts as a Wage and Hour Violation

A "wage and hour violation" happens when an employer fails to follow California's Labor Code on how employees are paid and scheduled. Common violations in the construction and building trades include:

- Not paying for all hours worked (including travel, prep, or cleanup time)



- Misclassifying employees as independent contractors or "exempt"
- Ignoring overtime and double-time pay requirements
- Skipping or interrupting meal and rest breaks
- Failing to keep accurate time records
- Withholding final pay after a layoff or project end

Even small oversights can add up—especially when a pattern affects

At A Glance

Ins and outs of hiring seasonal workers

Effective staff meetings made easy: Watch the time, be specific, end with positivity

Crime-proof your place of business

Tips to prevent COVID and flu at work this winter

... and more

Please see WAGE, page 2

Wage: Employees vs. independent contractors

Continued from page 1

multiple employees or projects.

Timekeeping: Every Minute Counts

Accurate time tracking is the foundation of wage compliance. In construction, this can be tricky since crews move between sites, start at different times, and often work outdoors or remotely.

Tips for getting it right:

1. Use reliable time-tracking tools.
 - Paper timesheets can work for small crews, but mobile or GPS-based apps make it easier to log hours in real time.
 - Avoid “guesstimating” or filling in time at the end of the week.
2. Record start and stop times for each day.
 - Include time spent loading tools, driving between sites (if paid), or finishing cleanup.
 - Time rounding (e.g., to the nearest 15 minutes) must always favor the worker, not the company.
3. Train forepersons to verify time daily.
 - Have supervisors confirm timesheets before payroll submission to catch errors early.
4. Track travel and waiting time.
 - Travel between job sites during the day is typically paid time.
 - Waiting time—like sitting idle while equipment is delivered—also counts as “hours worked.”

Pay Rules: Understanding Overtime, Double Time, and Prevailing Wages

Construction crews often work long hours to meet deadlines. California’s overtime laws ensure those hours are



compensated fairly.

1. Overtime and Double Time

- Over 8 hours in a day or 40 hours in a week = 1.5x pay
- Over 12 hours in a day = 2x pay
- Over 8 hours on the 7th consecutive day in a workweek = 2x pay

Keep in mind: Overtime is based on the workday, not the calendar day. If a shift runs from 6 p.m. to 2 a.m., it still counts as one day’s work for overtime purposes.

2. Prevailing Wage Projects

Public works and government-funded projects require prevailing wage pay—a specific hourly rate (including fringe benefits) set by the state for each craft and location.

- Rates vary by county and trade (e.g., electricians vs. carpenters).
- Employers must keep Certified Payroll Records (CPRs) and submit them weekly to the DIR.
- Failing to pay the correct rate or misreporting hours can lead to major penalties or debarment from future projects.

Check the DIR’s Prevailing Wage Determinations regularly, as rates are updated twice a year.

Worker Classification: Employee or Contractor?

Misclassification is one of the biggest sources of wage violations in

construction. Under California’s “ABC Test,” a worker is presumed to be an employee unless all three conditions are met:

A. They are free from the company’s control and direction in performing their work; B. Their work is outside the usual course of the company’s business; and C. They are customarily engaged in an independent trade or occupation of the same nature.

In construction, this means:

- Independent contractors must operate as their own business—providing their own tools, setting their own hours, and taking on multiple clients.
- Laborers, tradespeople, and site crews who report to your supervisors, use company tools, or follow your schedule are employees, not contractors.

Misclassification can result in back wages, unpaid taxes, and significant fines. When in doubt, check with HR or legal counsel before labeling anyone “independent.”

Meal and Rest Breaks: Enforcing Downtime on the Job Site

Busy job sites often make it hard to stop for breaks—but California law requires it.

Meal Breaks

- At least one 30-minute unpaid meal break after 5 hours of work.
- A second 30-minute break if working more than 10 hours.
- Breaks must be off-duty—workers can’t be required to stay on-call or near tools.

Rest Breaks

- A 10-minute paid rest break for every 4 hours worked (or major fraction thereof).

Please see HOURS, page 5

Hiring extra workers during busy times

Many businesses rely on seasonal staff to meet demand during their busiest times of year. Whether it's extra help for the holiday shopping rush or summer workers to support tourism and outdoor events, seasonal employees can be the key to maintaining smooth operations. However, hiring temporary staff comes with unique challenges. By approaching seasonal hiring strategically, businesses can maximize benefits while avoiding common pitfalls.

Understanding the Need for Seasonal Staff

Seasonal hiring typically spikes around two times of year:

- Winter holidays – Retail stores, shipping services, event venues, and customer service centers often see a surge in activity from November through January.
- Summer months – Restaurants, tourism businesses, camps, and agricultural operations require additional hands when customer demand and workloads peak.

For both seasons, planning ahead is essential. Waiting until the rush has already started often results in rushed hiring and less qualified candidates.

Best Practices for Hiring Seasonal Staff

1. Start Recruiting Early
Post job openings well before the busy season begins. For holiday help, this might mean beginning in September or early October. For summer roles, start seeking applicants in spring. Early recruitment widens the candidate pool and gives you time to train new staff properly.

2. Write Clear Job Descriptions
Be specific about schedules, expected duties, and the duration of the position. Seasonal employees often juggle school, other jobs, or travel, so transparency helps attract the right fit. Include details like weekend or holiday requirements to avoid surprises later.



3. Streamline the Application and Onboarding Process

Seasonal roles need to be filled quickly. Simplify applications, conduct group interviews when possible, and keep paperwork light. Provide efficient training programs that prepare staff without overwhelming them—this ensures they can become productive as soon as possible.

4. Build a Positive Employee Experience

Even though seasonal roles are temporary, workers who feel respected and supported perform better. Provide fair pay, reasonable schedules, and recognition for hard work. A positive experience increases the chance that strong seasonal employees will return in future years, saving time and money on rehiring.

5. Maintain Flexibility

Seasonal workers often have unique scheduling needs. Offering flexible shifts or the possibility of part-time hours can attract high-quality candidates who might otherwise not apply. Flexibility is especially helpful during the winter holidays, when family and school obligations compete with work schedules.

6. Treat Seasonal Workers as Part of the Team

Incorporating temporary staff into the workplace culture reduces turnover and boosts performance. Invite them to staff meetings, pair them with experienced employees, and encourage feedback.

Common Pitfalls to Avoid

1. Waiting Too Long to Hire

The most qualified seasonal workers are often hired early by businesses that plan ahead. Late hiring can lead to a shallow candidate pool, resulting in understaffing or mismatched hires.

2. Underestimating Training Needs

It's tempting to throw seasonal staff into the workflow with minimal instruction, but this often backfires. Poor training leads to mistakes, customer frustration, and higher turnover. Even a brief, focused onboarding session can make a big difference.

3. Offering Inflexible Schedules

Demanding full availability without flexibility can limit your hiring options. During the holidays or summer, many workers balance other commitments—ignoring this reality can leave positions unfilled.

4. Failing to Plan for Transitions

When seasonal workers leave, businesses may experience sudden gaps in coverage. Planning for smooth transitions—whether by staggering end dates or cross-training permanent staff—prevents disruptions when the season winds down.

5. Overlooking Legal and Compliance Issues

Seasonal hiring still requires compliance with labor laws, wage requirements, and (for minors) specific restrictions on hours. Failing to follow these rules can result in fines and reputational harm.

The Long-Term Value of Seasonal Hiring

When managed well, seasonal hiring is more than a short-term solution—it's an opportunity. Many businesses find some of their best long-term employees among seasonal staff. By treating temporary workers with the same respect and care as permanent employees, companies not only meet seasonal demand but also build a pipeline of future talent.

The sweet spot for productive staff meetings

Few things drain morale faster than staff meetings that feel unnecessary or unproductive. For small businesses, where time and resources are limited, every meeting should have a clear purpose and tangible results. Whether your team works in a retail shop, an office, or remotely, thoughtful planning and facilitation can make meetings a powerful tool for communication and alignment rather than a source of frustration.



effective than a standing weekly meeting.

Effective staff meetings align teams, solve problems, and strengthen communication. Ineffective ones waste valuable time and energy. By keeping agendas focused, respecting time limits, encouraging participation, and ensuring accountability, small business owners can transform meetings into a productive tool rather than a burden. When done right, meetings can energize your team—leaving everyone with clarity, motivation, and a sense of shared purpose.

Clarify the Purpose Beforehand

Before scheduling a meeting, ask yourself: Does this need to be a meeting? If the goal can be achieved through an email, shared document, or quick conversation, skip the calendar invite. Meetings should be reserved for collaboration, problem-solving, and discussions where input from multiple people is essential.

Keep the Agenda Short and Focused

An effective meeting starts with a clear agenda. Share topics with your team ahead of time so everyone knows what to expect and can prepare. Stick to no more than three to five key items—trying to cover too much leads to scattered conversations and missed takeaways.

Start and End on Time

Respecting your team's time is crucial. Begin promptly, even if not everyone has arrived, and set a firm end time. Meetings that drag past the scheduled window frustrate participants and throw off the rest of the workday. A disciplined approach shows that you value efficiency.

Encourage Participation, Not Just Updates

Staff meetings shouldn't be one-way announcements from leadership. Instead, use them to gather ideas, solve challenges, and strengthen collaboration. Ask open-ended

questions, invite quieter employees to share input, and make space for dialogue. If updates are necessary, keep them brief and relevant.

Assign Action Items and Owners

One of the biggest meeting pitfalls is leaving without clarity on next steps. Summarize decisions before closing and assign clear responsibilities with deadlines. This prevents issues from stalling and ensures the meeting leads to measurable progress.

Use the Right Tools for Remote Teams

For businesses with remote or hybrid staff, technology can make or break a meeting. Use reliable video conferencing platforms, ensure everyone has access to the agenda, and keep virtual sessions short to avoid "Zoom fatigue." Recording the meeting or sharing notes afterward helps those who couldn't attend stay informed.

Keep Meetings Infrequent but Valuable

Weekly meetings aren't always necessary for small businesses. Instead, hold meetings only as often as they provide value. A short monthly check-in, supplemented by quick daily huddles or written updates, may be more

Sample 15-Minute Staff Meeting Agenda

0:00–2:00 — Quick Wins & Positives
Start with one or two brief celebrations (a sales milestone, a customer compliment, or someone going above and beyond). This sets a positive tone and helps everyone feel recognized.

2:00–8:00 — Key Updates & Priorities
Share only the most important updates for the team—no long reports. Focus on what staff need to know for the day/week ahead. Invite quick input or clarifying questions.

8:00–12:00 — Discussion / Problem-Solving
Pick one focused topic that needs group input (e.g., resolving a recurring customer issue, planning a promotion, or improving workflow). Keep it practical and time-limited.

12:00–14:00 — Action Items & Assignments
Summarize next steps, who is responsible, and deadlines. Confirm everyone knows their role before leaving the meeting.

14:00–15:00 — Closing Note
End on a motivating or encouraging remark—something that reminds the team of the bigger picture and sets the tone for the day or week.

Dos and don'ts of an effective staff meeting

Following these simple guidelines can turn your meetings from a chore into a positive part of everyone's day. Preparation, enthusiasm, and structure are key.



Do:

- Set a clear agenda and share it ahead of time.
- Start and end on time—show respect for everyone's schedule.
- Celebrate small wins to build morale.
- Keep updates brief—focus only on what's essential.
- Encourage participation so every voice can be heard.

- Summarize action items with names and deadlines.
- End on a positive note to energize the team.

Don't:

- Overload the agenda—stick to a few key topics.
- Turn meetings into lectures—make it interactive.
- Allow side conversations that derail focus.
- Use meetings for information-sharing only—send an email instead.
- Let meetings run long—time limits keep them efficient.
- Skip follow-up—without accountability, progress stalls.

Hours: Keep your record keeping clear and complete

Continued from page 2

• These breaks should fall in the middle of each work period, not all at the end of the day.

If a break isn't provided, employees must receive one additional hour of pay for that day.

Managers should schedule and enforce breaks consistently. Encourage forepersons to model compliance—if supervisors skip breaks, crews often follow their lead.

Recordkeeping: Keep It Clear and Complete

California requires employers to maintain certain payroll and time records for at least three years (and

longer for prevailing wage projects).

Records should include:

- Employee name, address, and job classification
- Daily start and end times
- Total hours worked each day and week
- Regular, overtime, and double-time pay
- Itemized pay stubs showing all wages and deductions

If the DIR audits your company or a worker files a claim, accurate records are your best defense.

Practical Tips for Staying Compliant

- Hold short supervisor trainings. Make sure forepersons understand timekeeping, break, and pay rules.

- Post required notices (like wage orders and workers' rights posters) clearly at every job site.

- Review payroll systems regularly to confirm overtime and rates are calculated correctly.

- Encourage employees to speak up. Create an open-door policy for questions about pay or scheduling without fear of retaliation.

- Stay current. California wage laws change often—especially for minimum wage, paid sick leave, and prevailing wage requirements.

The Cost of Noncompliance

Violations can lead to:

- Back pay for underpaid wages
- Penalties for missed breaks or unpaid overtime
- Fines from the Division of Labor Standards Enforcement (DLSE)
- Suspension from public works projects
- Legal fees and reputation damage

Even unintentional errors can result in major costs—so prevention is always cheaper than correction.

Is your business equipped against crime?

Employee training to avoid crime-related exposures should be an ongoing process. The security techniques included here may help prevent not only the loss of money but also—more importantly—harm to employees and customers. Creating a culture of safety requires consistent vigilance, clear procedures, and strong communication.

Lighting and Access Control

Good exterior lighting is one of the best preventatives. After dark, lighting should be increased both inside buildings and in parking areas. Check to make sure exterior lights are working properly at all times. Back doors, side doors, and windows should remain locked at all times. Exterior doors should also be secured with buzzers that can be heard throughout the building in case employees are away from the main reception area.

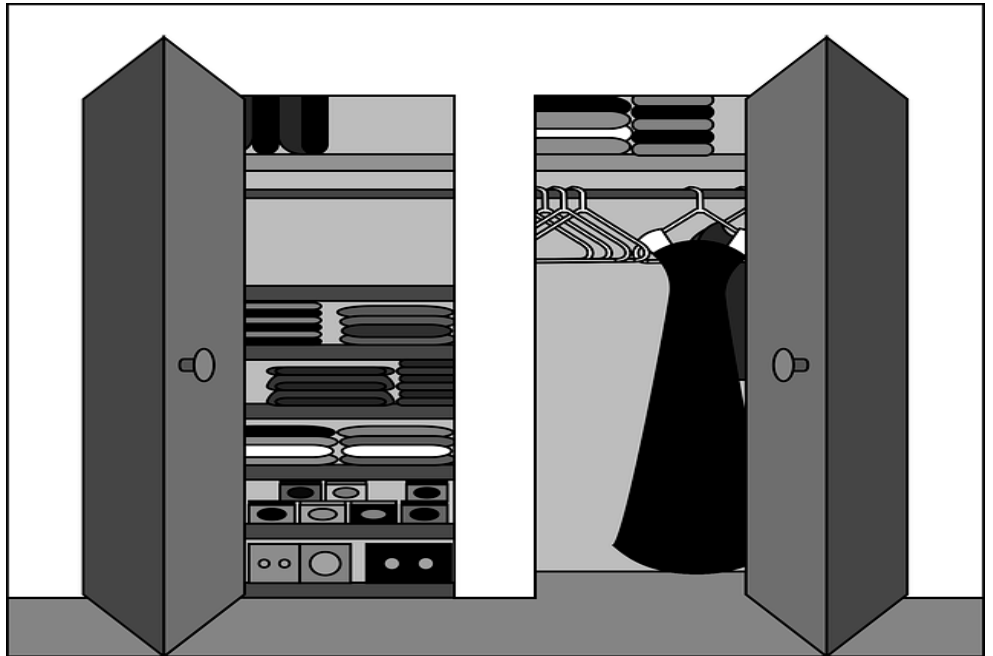
Burglaries often occur when entry is gained through the rear door. For this reason, a peephole should be installed so the door never has to be opened without knowing who is outside. Employees should also avoid taking trash out of back doors after dark, when risks are greater.

Cash Handling Procedures

Robberies are usually planned in advance, so it is critical to limit opportunities. Do not count money in front of non-employees, even if the person is a friend or relative of an employee. Do not allow customers or friends of employees in back rooms for any reason. Make deposits daily, or more often if cash exceeds a predetermined amount. Never keep more money in cash drawers than is necessary.

Alarm and Security Systems

The facility should be secured by an



alarm system that detects unauthorized opening of doors, the breaking of windows, and movement through interior areas when the business is closed. Managers and supervisors should keep accurate records of who has keys and who knows how to disarm the alarm system. As personnel turns over, keys should be collected or cancelled, and safe and lock combinations should be changed periodically. A systematic procedure for locking all doors and activating alarm systems should always be followed when closing.

Technology can also enhance crime prevention. Surveillance cameras, panic buttons, and remote monitoring systems provide additional layers of protection and can serve as deterrents to potential criminals. Video footage can also be a critical tool for police investigations and insurance claims.

Reporting Suspicious Behavior

Employees should be encouraged to report any suspicious activities, even if they just have a hunch or a gut feeling that something is wrong. Special attention should be given to anyone who asks unusual questions about company security, the amount of money the business makes, company hours, or who has keys and responsibilities for opening and closing. These are classic

signs of pre-robbery “casing” behavior.

Responding to a Robbery

When a robbery does occur, employee safety must come first. Never resist when a robbery is taking place. If robbers are armed, assume that they are willing to use their weapons. Immediately notify police, company supervisors and owners, and appropriate insurance agents. Since the police report will be fundamental to any insurance claim, cooperate with police and answer all questions fully.

Do not inform anyone other than police and insurance personnel about the amount of cash taken. Media reports should indicate only that an “undisclosed amount” of cash was stolen.

Shared Responsibility

Crime prevention is a group effort. Managers, supervisors, and frontline staff all play an essential role in maintaining a secure workplace. Careful attention to security procedures reduces theft, makes everyone’s job safer, and helps ensure the long-term profitability and stability of the business.

SAFETY ... IT PAYS



Navigating the modern COVID landscape

The COVID-19 landscape continues to evolve—even in 2025, California is experiencing a late-summer surge driven largely by a new Omicron subvariant known as XFG or “Stratus.” Test positivity rates have jumped to around 11–12 percent, wastewater data across the state shows high viral concentrations, and children and seniors are seeing upticks in case counts and emergency visits. Although the Stratus strain does not appear to cause more severe illness than previous Omicron variants, its increased transmissibility, especially in school and elder care environments, underlines the importance of renewed vigilance in communal settings. Despite availability of updated vaccines, access remains restricted to older adults and high-risk groups—adding urgency to preventive workplace strategies.

Here are some best practices for preventing illness in shared workspaces:

Promote Frequent Hand Hygiene

Hand hygiene has always been a cornerstone of illness prevention, but the pandemic highlighted its importance. Encourage employees to wash their hands regularly for at least 20 seconds using soap and water, or provide hand sanitizers with at least 60% alcohol in easily accessible locations. Add signage around workspaces to remind staff of the importance of handwashing, especially before eating or after touching commonly used surfaces like door handles or printers.

Encourage Regular Disinfection of Shared Surfaces

From keyboards and desks to light switches and coffee machines, shared surfaces can harbor germs that spread easily. Introduce cleaning stations with disinfectant wipes or sprays near

commonly touched areas, and ask employees to disinfect their immediate workspace before and after use. Regular deep cleaning should be scheduled throughout the office, with special attention to high-touch surfaces.

Improve Ventilation and Air Quality

Proper ventilation is essential to reducing the spread of airborne illnesses. In the post-COVID world, it’s critical to ensure good airflow in indoor spaces. Consider upgrading your HVAC systems with high-efficiency filters, like HEPA filters, that can trap harmful particles in the air. If possible, open windows to increase natural airflow or invest in air purifiers that clean the air in shared spaces.

Establish Clear Sick Leave and Remote Work Policies

While promoting a healthy workspace is important, companies should also encourage employees to stay home when they feel unwell. Update your sick leave policies to make it easier for employees to take time off without fear of penalties. Clear remote work policies should be in place so that workers can transition to working from home if they are feeling unwell or have been exposed to illness.

Create Space for Social Distancing When Possible

Although social distancing may not be a strict requirement anymore, maintaining physical space can still play a role in reducing the transmission of illness. When designing office layouts,

OSHA CORNER

Please visit the following address on the web to download helpful safety posters, guides and pamphlets for a safer workplace.

<https://www.osha.gov/publications>



Please see HEALTH, page 8

Health: Support workers' mental well-being

Continued from page 7

try to give employees ample space between desks or consider using dividers to create personal barriers. Meeting rooms should have capacity limits, and video conferencing tools should be the default for group meetings to minimize in-person gatherings.

Implement Touchless Technology

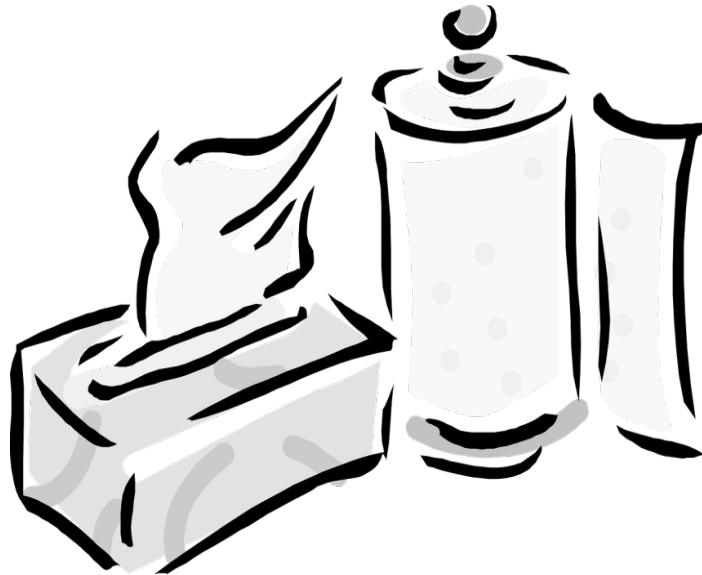
Leveraging touchless technology can help reduce the spread of germs from surfaces. Contactless entry systems, like keycards or biometrics, eliminate the need to touch door handles or keypads. Similarly, integrating touchless faucets, soap dispensers, and paper towel holders in bathrooms can significantly decrease exposure to germs. Consider implementing digital tools for everything from check-in procedures to conference room reservations, minimizing the need for physical paperwork or shared equipment.

Encourage the Use of Personal Protective Equipment (PPE) Where Needed

While mask mandates have largely been relaxed, PPE is still a valuable tool in shared spaces, especially during flu season or in environments with high foot traffic. Provide masks, gloves, or face shields for employees to use as needed. Encourage staff to wear them in common areas, especially when physical distancing isn't possible.

Support Employee Mental Health

While the focus is often on physical health, mental well-being has also taken a hit post-COVID. The stress of navigating new office protocols and



concerns about illness can contribute to burnout and fatigue. Create an environment that supports mental health through employee wellness programs, open communication, and access to counseling or stress-relief resources. A happy, healthy workforce is less likely to spread illness, both physically and emotionally.

Promote Vaccinations and Regular Health Check-ups

As the world continues to battle seasonal illnesses, such as the flu, employers can encourage employees to stay up-to-date on vaccinations. Offering access to flu shots, COVID-19 boosters, or other preventative health measures can help reduce the risk of outbreaks in the workplace. You can also provide employees with resources on maintaining overall health, from fitness initiatives to healthy eating programs.

Foster a Culture of Health Awareness

Finally, creating a culture of health awareness is key to a successful illness prevention strategy. Educate employees on the signs of common illnesses like colds, flu, or COVID-19, and provide them with the tools to protect themselves and their coworkers. Encourage open communication about health concerns and let employees know that their well-being is a top priority.

By integrating these post-COVID best practices, employers can ensure that shared workspaces remain safe and healthy environments for everyone. Prioritizing hygiene, ventilation, social distancing, and mental health will not only reduce the risk of illness but will also foster a more productive, engaged workforce. In today's world, a proactive approach to health and wellness is a critical investment in the success of any business.

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