

# Restaurant Workers' Rights

## Minimum Wage

- Lowest pay rate businesses can legally pay their employees
- As of July 24, 2009 federal minimum wage is \$7.25 per hour

## Tipped Wage

- Employers of "tipped employees" must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation.
- If an employee's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

## Overtime Pay

- At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.

## Breaks

- Workers must receive a 30-minute break if they work 6-8 hours in a day
- The breaks are to be unpaid unless an employee does some type of work during their break.
- Workers receive a 10-minute rest period every 4 hours that they work.

## Child Labor: 16 and 18 year olds

- An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor
- These include meat and poultry packing or processing (including the use of power-driven meat slicing machines) and using power-driven bakery machines

## Child Labor: 14 and 15 year olds

- May work outside school hours in non-hazardous jobs and cannot work more than: 3 hours on a school day or 18 hours in a school week; 8 hours on a non-school day or 40 hours in a non-school week.
- May not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m.
- May not work in cooking, except with gas or electric grills that do not have an open flame or fryers; and they can't operate, set up, adjust, clean, oil, or repair power-driven food slicers, grinders, choppers or cutters and bakery mixers
- Also cannot work in freezers or meat coolers, except they may occasionally enter a freezer for a short period of time to retrieve items