

City of Alameda Minimum Wage Ordinance Frequently Asked Questions

1. What is the Alameda Minimum Wage Ordinance?

A: The City Council adopted the Minimum Wage Ordinance on October 16, 2018, to increase the minimum wage to \$15.00 per hour by July 1, 2020. The Ordinance requires employers to pay the City's Minimum Wage to each employee who performs at least two (2) hours or more per week of work within the City limits. The full Ordinance can be found on the City's website at: alamedaca.gov/minimumwage

The City's Minimum Wage is \$13.50 per hour effective July 1, 2019 regardless of the size of the business or the number of employees. Employers must pay the City of Alameda's minimum wage for employees who work within the City of Alameda.

2. Which employers are subject to the City of Alameda's Minimum Wage?

A: Any person receiving or holding a business license with the City of Alameda and/or any person that employs or exercises control over the wages, hours or working conditions of any employee

3. How much is the City Minimum Wage?

A: Effective July 1, 2019, the City Minimum Wage is \$13.50 per hour, regardless of the size of the business or the number of employees.

4. How often will the Alameda Minimum Wage be adjusted?

A: The City Minimum Wage for all businesses increased to \$13.50 per hour on July 1, 2019. Beginning on July 1, 2020, the City Minimum Wage will increase to \$15.00 per hour. There will not be another increase of the City's Minimum Wage until July 1, 2022.

Beginning on July 1, 2022 (and every July 1 thereafter) all Alameda employers subject to the City's Minimum Wage Ordinance will be subject to an annual Consumer Price Index adjustment that will be capped at five percent (5%) per year. The chart below describes the State and City Minimum Wage adjustments.

Effective Date	Employers with 25 or fewer employees	Employers with more than 25 employees
January 1, 2019	\$11.00	\$12.00
July 1, 2019	\$13.50	
July 1, 2020	\$15.00	

July 1, 2022	Adjusted annually by the increase in cost of living
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5. What is the difference between the Federal, State and City minimum wage laws?

A: City of Alameda employers are subject to Federal, State and local (Alameda) minimum wage laws. When there are conflicting requirements in the laws, the employer must follow the strictest standard—that is, the one that is most favorable to the employee. Since Alameda’s Minimum Wage Ordinance requires a higher minimum wage rate than the State and Federal law, covered employers are required to pay the City Minimum Wage.

6. My company is not located in Alameda, but I have employees who work in Alameda. Would the Alameda Minimum Wage Ordinance apply to them?

A: Yes. The Alameda Minimum Wage Ordinance applies to employees working at least two (2) hours per week within the geographic boundaries of the City.

7. Does the Ordinance apply to rideshare and taxi companies that work in or pass through Alameda?

A: Taxi companies and taxi franchises are required to have a business license with the City of Alameda if they do business within the City limits. As a result, these taxi companies are required to pay the Alameda’s Minimum Wage. Other rideshare companies are regulated by the CPUC and are not required to pay the Alameda Minimum Wage.

8. What are the administrative requirements for covered employers under the Alameda Minimum Wage Ordinance?

A: In addition to payment of the City’s Minimum Wage, covered employers are required to:

(1) Post a notice at the workplace of the current and prospective Minimum Wage rates and the employees’ rights under the City’s Ordinance. By July 1 of each year, the City will publish a suitable notice in the top five (5) languages spoken by Alameda residents and will make this notice available to employers. The languages are: English, Spanish, Chinese, Korean, Vietnamese, and Tagalog

(2) Maintain payroll records for a period of four (4) years.

(3) Allow authorized City representatives to review payroll records as part of any investigation.

(4) May not eliminate benefits or increase the employees share of cost of benefits due to the minimum wage. For instance eliminate free parking, meals, paid time off etc.

(5) Tips or gratuities do not count towards the employer's obligation to pay the minimum wage

9. Does the Alameda Minimum Wage Ordinance cover employees who work in Alameda, but are not Alameda residents?

A: Yes. Any person who performs at least two (2) hours of work per week in the City of Alameda is entitled to be paid the City Minimum Wage, regardless of where they live.

10. Does an employer need to pay the Alameda Minimum Wage when an employee performs work outside the City of Alameda?

A: No. The Alameda Minimum Wage only applies to work performed within the geographic limits of the City of Alameda.

11. Does the Alameda Minimum Wage apply to full-time and part-time employees?

A: Yes. The Ordinance applies to any person who performs at least two (2) hours of work in a calendar week for an employer covered by the Ordinance.

12. Does the Alameda Minimum Wage apply to employees of non-profit agencies?

A: Yes.

13. Does the Ordinance protect undocumented workers?

A: Yes. All workers in the City of Alameda, whether or not legally authorized to work in the United States, must be paid the minimum wage set forth in the Ordinance. Claims will be processed and investigated without regard to a worker's immigration status. Workers reporting violations of the Alameda Minimum Wage Ordinance will not be questioned about their immigration status.

14. Does the Alameda Minimum Wage apply to employees who are under the age of 18?

A: Yes.

15. My business is a family-owned business. Do I need to pay my parent, spouse or child the Alameda Minimum Wage?

A: No. Consistent with California Labor Code, Section 3352 (a), individuals who are the parents, spouses or children of the employer are not covered by the Alameda Minimum Wage Ordinance.

16. Can an employee agree to work for less than Alameda's Minimum Wage?

A: No. Alameda's Minimum Wage must be paid by any employer who employs an individual who performs more than two (2) hours of work per week within the geographic boundaries in the City of Alameda.

17. May employers use tips or fringe benefits (health insurance, vacation, sick leave, meals) as a credit toward the payment of the Alameda Minimum Wage?

A: No. An employer may not use an employee's tips or fringe benefits as a credit towards the employer's obligation to pay the employee the minimum wage.

18. How do I report an issue with City Minimum Wage?

A: If you have questions, need additional information or believe you are not being paid correctly contact the City's Community Development Department at minimumwage@alamedaca.gov or 510-747-6897.

19. What can I do if my employer retaliates against me because I question him/her about not being paid the Alameda Minimum Wage?

A: Under the Ordinance, it is unlawful for an employer to retaliate against any employee who asserts their rights to be paid the Alameda Minimum Wage. An employee or another person may report to the City's Community Development Department (minimumwage@alamedaca.gov or 510-747-6897) any suspected violation of the Ordinance, including retaliation by an employer. Employers who retaliate will be subject to administrative and criminal enforcement.

20. What are the penalties for violation of the Alameda Minimum Wage Ordinance?

A: Should an employer be found out of compliance with the Ordinance, the employer is subject to an administrative or criminal enforcement under the Ordinance. In addition, an employer may be required to pay (1) back wages for pay that was unlawfully withheld or underpaid, (2) civil penalties of \$50 per day to each affected employee and to the City of Alameda, in addition to fees and penalties.