

CALIFORNIA OVERTIME WORKSHEET

1. Who is entitled to overtime?

In general, most employees are entitled to receive overtime compensation. This is true even if you are classified as an “independent contractor.” Certain limited classifications of employees are considered “exempt” and do not get overtime. Most employees are “non-exempt” and entitled to overtime. Many employers have incorrectly classified their employees. This worksheet assumes that you are “non-exempt.”¹

2. What is overtime?

A. Definition

Overtime means that if you work more than 8 hours in a day, more than 40 hours in a week, or on the 7th consecutive day, your employer must pay you at a higher hourly rate for this work.

B. Time and a-half

For each hour you work over 8 hours in a day or over 40 hours in a week, you are entitled to one and one-half times your regular hourly rate. If you work 7 consecutive days, the first 8 hours on the seventh day must be paid at one and one-half times your regular rate of pay.

C. Double Time

For each hour you work over 12 hours in a day, you are entitled to double your regular rate of pay. If you were required to work more than 8 hours on your seventh consecutive day of work, each hour you work over 8 hours must be paid at double your hourly rate.

3. How do you prove your claim?

A. Best Method

The *best* way to prove your claim is to establish the precise hours you worked. This is usually done through documents such as time sheets, payroll records, calendar entries, etc. If you can establish the precise hours you worked overtime, fill out **FORM - A**, which is attached hereto. If not, please proceed to section B, below.

Please attach any time sheets, payroll records, or any other documents which demonstrate the overtime hours you worked.

B. Estimate Method

If you do not have sufficient documents to prove the precise overtime hours you worked, perhaps because your employer did not keep appropriate records or because you lost your records, you can still present a claim. California law allows you to estimate the amount of unpaid overtime hours you worked. The burden is on your employer to disprove your estimate. If your employer

¹ There is no guarantee that you are entitled to overtime. We are proceeding under the assumption that you are a nonexempt employee entitled to overtime. A court may later determine that you are not entitled to overtime. Until then, we need the information contained in the form to calculate your damages.

cannot disprove your amount, your estimate is presumed to be valid.

To estimate your overtime hours, fill out **FORM - B**, which is attached hereto or provide your own estimate which includes your hourly rate(s) and the number of “time and-half” and “double time” hours you worked.

4. How far back can you collect overtime wages?

4 years from the date you file a lawsuit.

OVERTIME COMPUTATION WORKSHEET

FORM - A

	Pay Period Dates	Regular Rate	O.T. Rate	# of Unpaid O.T. Hours	Double O.T. Rate	# of Unpaid Double Time Hours
	From [mm/dd/yr] to [mm/dd/yr] (Beginning 4 years ago)	Hourly Rate	1.5 x hourly rate	State the number of O.T. hours you worked for which you were not paid.	This is only applicable if you worked > than 12 hours in a day or worked 7 consecutive days and worked > than 8 hours on the 7 th day.	State the number of unpaid double time hours you worked.
1		\$	\$		\$	
2		\$	\$		\$	
3		\$	\$		\$	
4		\$	\$		\$	
5		\$	\$		\$	
6		\$	\$		\$	
7		\$	\$		\$	
8		\$	\$		\$	
9		\$	\$		\$	
10		\$	\$		\$	
11		\$	\$		\$	
12		\$	\$		\$	
13		\$	\$		\$	
14		\$	\$		\$	
15		\$	\$		\$	
16		\$	\$		\$	

DATE: _____

(Client Signature)

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	Time Period	# of Workweeks	Hourly Rates	O.T. Rate	# of Unpaid O.T. Hours a Week	Double O.T. Rate	# of Unpaid Double Time Hours a Week
	Identify each period of time in which you worked unpaid overtime hours (do not go back more than 4 years). If your overtime hours changed, use different time periods.	State how many weeks are in this period.	Identify each hourly rate and the dates of same for each time period.	1.5 x hourly rate	On average, <i>estimate</i> the # of unpaid O.T. hours you worked a week during this period.	This is only applicable if you worked > than 12 hours in a day or worked 7 consecutive days and worked > than 8 hours on the 7 th day.	On average, <i>estimate</i> the # of unpaid double-time hours you worked a week during this period.
1			\$	\$		\$	
2			\$	\$		\$	
3			\$	\$		\$	
4			\$	\$		\$	
5			\$	\$		\$	
6			\$	\$		\$	
7			\$	\$		\$	
8			\$	\$		\$	
9			\$	\$		\$	
10			\$	\$		\$	
11			\$	\$		\$	
12			\$	\$		\$	
13			\$	\$		\$	
14			\$	\$		\$	
15			\$	\$		\$	