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# california court of appeals dials in on call-in practices

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## MSK Client Alert

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Recently, the California Court of Appeals ruled in a 2-1 split decision that employees who are required to call in two hours prior to the start of their shifts to ask whether they needed to report to work are entitled to reporting time pay. In *Ward v. Tilly's, Inc.*, the Court held that Tilly's on-call policy triggered the "Reporting Time Pay" provision of California's Wage Order 7, which applies to the retail industry. The *Ward* majority held that Wage Order 7's Reporting Time Pay provision applied because Tilly's workers "reported" for work when they called-in.

Under the Reporting Time Pay provision, employers are required to pay employees reporting time pay, as follows: "Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay." For example, if a sales clerk is scheduled to report to work for an eight-hour shift and only works for one hour, the employer is still obligated to pay the employee four hours of his or her regular rate of pay.

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