



OFFICIAL NOTICE

OAKLAND SERVICE CHARGE LAW

Effective Date: March 2, 2015

Pursuant to Measure FF and Oakland Municipal Code section 5.92.040, Hospitality Employers who collect service charges from customers must pay the entirety of those charges to the hospitality workers who performed those services for which the charge was collected. A Hospitality Employer is a business who owns, controls, or operates any part of a hotel, restaurant, or banquet facility within the City of Oakland. A hospitality worker is any individual who works for a Hospitality Employer and who performs a service for which a Hospitality Employer imposes a service charge.

A service charge includes all separately designated amounts collected by a Hospitality Employer from customers that are for service performed by hospitality workers or are described in such a way that customers might reasonably believe that the amounts are for those services, including without limitation to charges designated as a “service charge,” “delivery charge,” or “portage charge.” Any tip, gratuity, money, or part of any tip, gratuity or money that has been paid or given to or left for the hospitality worker by a customer over and above the actual amount due for services rendered or for goods, food, drink or articles sold or served to the customer are excluded from Section 5.92.040.

Under Section 5.92 et seq., employees who assert their rights under Oakland’s Service Charge law are protected from retaliation. Employees may file a civil lawsuit against their employers for any violation of this law and may seek remedies in the form of back pay, reinstatement and/or injunctive relief. Employees may also file a complaint with the City’s Department of Workplace and Employment Standards. The City will investigate possible violations and will have access to payroll records. Employers who violate Section 5.92 et seq. will be liable for civil penalties for each violation up to a maximum of \$1,000.00 per violation.

- If you have questions, need additional information, or believe you are not being paid correctly, please contact your employer or the City of Oakland’s Department of Workplace and Employment Standards at: Department of Workplace and Employment Standards 250 Frank H. Ogawa Plaza, Suite 3341, 3rd Floor, Oakland, CA 94612 Telephone: 510-238-6258 or E-Mail: minwageinfo@oaklandca.gov.