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April 11, 2023

New Minimum Wage Ordinance in San Mateo County, California



San Mateo County (the County) enacted a [new minimum wage ordinance](#) that took effect April 1, 2023. The County's minimum wage is an hourly rate of \$16.50. Beginning January 1, 2024, and each January thereafter there will be increases in the rate.

The new ordinance applies to the unincorporated areas of the County, but not the city of San Mateo or other cities within the County that have their own minimum wage ordinances.

Generally, the ordinance applies to employees (as defined under the California Labor Code, to those that would qualify for minimum wage under California law) who perform at least two hours of work in a calendar week within the geographic boundaries of the County for an employer (defined as any person who directly or indirectly, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of any employee).

Additional employer responsibilities under the ordinance include: (1) posting a bulletin announcing the adjusted minimum wage rate and describing employee rights under the new ordinance (provided by the County executive annually) and (2) retaining records for each employee for at least three years containing each employee's name, hours worked, and pay rate. A copy of these records is to be provided to an employee upon request. The ordinance also protects employees from retaliation for making a complaint related to violation of the ordinance to the County or the labor commissioner, or the use of any other enforcement mechanism. The California labor commissioner is tasked with enforcing the ordinance, though aggrieved employees may also seek private action in a court of competent jurisdiction and/or enforcement by the County or by contract with another agency on behalf of the County.

More information, including answers to frequently asked questions about the ordinance can be found at the [County of San Mateo Minimum Wage Increase for Unincorporated Areas webpage](#).

Employers that operate in the unincorporated areas of the County with questions regarding the ordinance should contact experienced counsel.

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