

December 20, 2011

***Brinker* Decision Delayed; Plus New California Wage Rates for 2012**

California employers are going to have to wait a bit longer for the California Supreme Court's decision in *Brinker Restaurant Corp. v. Superior Court*, the case that will clarify meal and rest period obligations in California. A decision was expected by February 6, 2012, 90 days after oral arguments were heard by the Court on November 8, 2011. But this week the Court issued an order indicating that because it had asked the parties for post-hearing briefing, it was vacating submission of the case, and the case would be resubmitted on January 13, 2012. As a result, the new deadline for the Court's decision is mid-April, 2012. We will keep you posted on any developments.

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In other California wage and hour developments, employers should take note of several new wage rates for 2012:

- Under California Labor Code Section 515.5, computer software employees may qualify as exempt from overtime if they meet certain duties requirements and receive a minimum pay rate, which is adjusted annually based on the California Consumer Price Index. For 2012, the minimum hourly rate for exempt computer professionals will increase from \$37.94 to \$38.89 per hour. The corresponding monthly salary will be \$6,752.19, and the annual salary will be \$81,026.25.
- And for employers with employees working in San Francisco, the San Francisco minimum wage will rise to \$10.24 on January 1, 2012, up from \$9.92 in 2011. Employers should make sure that the revised San Francisco [minimum wage notice](#) is posted in their San Francisco workplaces by the new year.

Miller Law Group exclusively represents business in all aspects of California employment law, specializing in litigation, risk management, wage and hour class actions, ERISA litigation, and appellate law. If you have questions about your workplace obligations, please contact Michele Ballard Miller (mbm@millerlawgroup.com) or Carolyn Rashby (cr@millerlawgroup.com), or call (415) 464-4300. To learn more about our firm, visit our website at www.millerlawgroup.com.



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